SAN FRANCISCO PUBLIC LIBRARY
3 1223 09951 6206

5 / S

San Francisco Public Library

Government Information Center
San Francisco Public Library
100 Larkin Street 5th Floor
San Francisco, CA 94102

REFERENCE BOOK
Not to be taken from the Library

Digitized by the Internet Archive
in 2014

https://archive.org/details/sanfranciscopoli2011sanf

3 1223 09951 6206

The Police Commission

CITY AND COUNTY OF SAN FRANCISCO

THOMAS MAZZUCCO
President

DR. JOE MARSHALL
Vice President

PETRA DEJESUS
Commissioner

ANGELA CHAN
Commissioner

JAMES HAMMER
Commissioner

CAROL KINGSLEY
Commissioner

R. JAMES SLAUGHTER
Commissioner

Lieutenant Timothy Falvey
Secretary

SAN FRANCISCO POLICE COMMISSION AGENDA
REGULAR MEETING
WEDNESDAY, JANUARY 5, 2011
6:00 p.m.

Northern District
Claire Lilienthal Elementary School
3630 Divisadero Street
San Francisco

SF
P45
#1
1/5/11

Pledge of Allegiance; Roll Call

1. **Reports to the Commission** (DISCUSSION ONLY)
   a. **Chief's Report**
      - Review of Recent Activities
   b. **OCC Director's Report**
      - Review of Recent Activities
   c. **Commission Reports**
      - Commission President's Report
      - Commissioners' Reports

GOVERNMENT
DOCUMENTS DEPT
DEC 29 2010
SAN FRANCISCO
PUBLIC LIBRARY

2. Captain Ann Mannix, Commanding Officer of Northern Station, to address the Commission on Police Activities in the Northern District (DISCUSSION ONLY)

3. **Public Comment**
   (Members of the public may address the Police Commission for a time period determined by the Chair on items that are within the subject matter jurisdiction of the Commission but do not appear on the agenda. Speakers shall address their remarks to the Commission as a whole and not to individual Commissioners or Department personnel. Under Police Commission Rules of Order, during Public Comment, Commissioners are not to enter into debate or discussion with speakers.)

4. **Routine Administrative Business** (DISCUSSION & POSSIBLE ACTION)
   a. Commission Announcements
   - Assignment of disciplinary charges filed against Assistant Patrol Special Officer Robert Ortega, File No. ALW C10-242, to an individual Commissioner for the taking of evidence on a date to be determined by the Commissioner
   b. Scheduling of items identified for consideration at future Commission Meetings

5. Public Comment on all matters pertaining to Closed Session

6. Vote on whether to hold Closed Session. (San Francisco Administrative Code Section 67.10) (ACTION ITEM)

The Police Commission

CITY AND COUNTY OF SAN FRANCISCO

THOMAS MAZZUCCO
President

DR. JOE MARSHALL
Vice President

PETRA DEJESUS
Commissioner

ANGELA CHAN
Commissioner

JAMES HAMMER
Commissioner

CAROL KINGSLEY
Commissioner

R. JAMES SLAUGHTER
Commissioner

Lieutenant Timothy Falvey
Secretary

SAN FRANCISCO POLICE COMMISSION AGENDA
REGULAR MEETING
WEDNESDAY, JANUARY 5, 2011
6:00 p.m.

Northern District
Claire Lilienthal Elementary School
3630 Divisadero Street
San Francisco

7. **Closed Session**

   a. Pursuant to Government Code Section 54957(b)(1) and San Francisco Administrative Code Section 67.10(b) and Penal Code Section 832.7: PUBLIC EMPLOYEE PERFORMANCE EVALUATION: Chief of Police Review of findings and decision to return officer to duty following officer-involved shooting (OIS Case No. 10-014) (DISCUSSION ONLY)

   b. Pursuant to Government Code Section 54957(b)(1) and San Francisco Administrative Code Section 67.10(b) and Penal Code Section 832.7: PERSONNEL EXCEPTION: Assignment of an Appeal of the Chief's Suspension filed in Case No. KMO D10-188, to an individual Commissioner for the taking of evidence on a date to be determined by the Commissioner (DISCUSSION ONLY)

   c. Pursuant to Government Code Section 54957(b)(1) and San Francisco Administrative Code Section 67.10(b) and Penal Code Section 832.7: PERSONNEL EXCEPTION: Assignment of disciplinary charges filed in Case No. ALW C10-259, to an individual Commissioner for the taking of evidence on a date to be determined by the Commissioner (DISCUSSION ONLY)

   d. Pursuant to Government Code Section 54957(b)(1) and San Francisco Administrative Code Section 67.10(b) and Penal Code Section 832.7: PERSONNEL EXCEPTION: Discussion and possible action to issue Police Commission subpoenas in the matter of Case No. JWA C10-195

   e. Pursuant to Government Code Section 54957(b)(1) and San Francisco Administrative Code Section 67.10(b) and Penal Code Section 832.7: PERSONNEL EXCEPTION: Discussion and possible action to appoint a Commissioner to monitor disciplinary Cases No. KMO C08-127 & KMO C08-162 currently assigned to an outside hearing officer (ACTION ITEM)

8. Vote to elect whether to disclose any or all discussion held in closed session (San Francisco Administrative Code Section 67.12(a))

9. **Adjournment** (ACTION ITEM)

*** SUPPORTING DOCUMENTATION FOR POLICE COMMISSION AGENDA ITEMS THAT ARE NOT CONFIDENTIAL AND DOCUMENTATION THAT HAVE BEEN DISTRIBUTED TO THE COMMISSION AFTER DISTRIBUTION OF THE AGENDA PACKETS ARE AVAILABLE FOR REVIEW AT THE POLICE COMMISSION OFFICE, THOMAS J. CAHILL HALL OF JUSTICE, 850 BRYANT STREET, ROOM 505, SAN FRANCISCO, CA 94103, DURING NORMAL BUSINESS HOURS

The Police Commission

CITY AND COUNTY OF SAN FRANCISCO

THOMAS MAZZUCCO
President

DR. JOE MARSHALL
Vice President

PETRA DEJESUS
Commissioner

ANGELA CHAN
Commissioner

JAMES HAMMER
Commissioner

CAROL KINGSLEY
Commissioner

R. JAMES SLAUGHTER
Commissioner

Lieutenant Timothy Falvey
Secretary

SAN FRANCISCO POLICE COMMISSION AGENDA

REGULAR MEETING

The Commission will hear public comment on all agenda items before or during discussion of the item.

The ringing of and use of cell phones, pagers and similar sound-producing electronic devices are prohibited at this meeting. Please be advised that the Chair may order the removal from the meeting room of any person(s) responsible for the ringing or use of a cell phone, pager, or other similar sound-producing electronic devices.

KNOW YOUR RIGHTS UNDER THE SUNSHINE ORDINANCE

(Chapter 67 of the San Francisco Administrative Code)

Government's duty is to serve the public, reaching its decisions in full view of the public.

Commissions, boards, councils, and other agencies of the City and County exist to conduct the people's business. This ordinance assures that deliberations are conducted before the people and that City operations are open to the people's review.

FOR MORE INFORMATION ON YOUR RIGHTS UNDER THE SUNSHINE ORDINANCE OR TO REPORT VIOLATION OF THE ORDINANCE, CONTACT THE SUNSHINE ORDINANCE TASK FORCE: ADMINISTRATOR, CITY HALL, ROOM 244, #1 DR. CARLTON B. GOODLETT PLACE, SAN FRANCISCO, CA 94102-4689; OFFICE (415) 554-5163. COPIES OF THE SUNSHINE ORDINANCE CAN BE OBTAINED FROM THE CLERK OF THE SUNSHINE TASK FORCE, THE SAN FRANCISCO PUBLIC LIBRARY, AND ON THE CITY'S WEBSITE AT www.ci.sf.ca.us/bdsupvrs/sunshine

Lobbyist Registration and Reporting Requirements
Individuals and entities that influence or attempt to influence local legislative or administrative action may be required by the San Francisco Lobbyist Ordinance [SF Campaign & Government Code §2.100] to register and report lobbying activity. For more information about the Lobbyist Ordinance, please contact the San Francisco Ethics Commission at 30 Ness Avenue, Suite 3900, San Francisco, CA 94102; telephone (415) 581-2300; fax (415) 581-2317; webs site www.sfgov.org/ethics.

SAN FRANCISCO POLICE COMMISSION
PUBLIC MEETING/HEARING ACCESSIBILITY INFORMATION

Communication accessibility services; including sign language interpreters or computer aided real time captioning will be made available upon advance request. Please call the Police Commission Office at 553-1667 (v) or 553-9194 (tty), at least 72 hours prior to a proceeding. Late requests will be honored if possible.

A **sound enhancement system** will be available on request at the proceeding.

Meeting agendas and other print materials will be made available in alternate formats (computer disk, via email, fax, large print) upon advance request at least 72 hours prior to a proceeding. Please call the Police Commission Office at 553-1667 (v) or 553-9194 (tty). Late requests will be honored if possible.

Individuals with severe allergies, environmental illness, multiple chemical sensitivity or related disabilities should call 553-1667 to discuss meeting accessibility. In order to assist the City's efforts to accommodate such people, attendees at public meetings are reminded that other attendees may be sensitive to various chemical based products.

The proceeding will be held in the Northern District, at Claire Lilienthal Elementary School, 3630 Divisadero Street, San Francisco. The closest accessible BART station is the Civic Center Station. For information about MUNI service, please call 311.

Accessible parking are available at the school.

Accessible seating for persons with disabilities and wheelchairs will be available.

For information about the meeting, please call 553-1667(v) or 553-9194 (tty).

JANUARY 5, 2011 **REGULAR MEETING**

The Police Commission of the City and County of San Francisco met in the Northern District, Claire Lilienthal Elementary School, 3630 Divisadero Street, San Francisco, at 6:00 p.m., in a Regular Meeting.

PRESENT: Commissioners Mazzucco, Marshall, Chan, Kingsley, Hammer, Slaughter
ABSENT: Commissioner DeJesus

The Commissioners welcomed the audience and went on to introduce themselves.

Supervisor-elect Mark Farrell addressed the Commission and the audience and commended Captain Ann Mannix.

REPORTS TO THE COMMISSION

a. Chief's Report
- Update on significant policing efforts by Department members

Chief Gascón gave a brief update on crime statistics comparison between 2009 and 2010. Closed the year with 8 percent reduction but compared to two years, 12 percent reduction. Homicide is at 50 in 2010 as compared to 45 in 2009. The Chief stated the goal is to get crime down to 34/35 crimes per 1000 residence. The Chief also talked about the total number of officers impacted by the Brady Policy and stated .03 percent of employees are impacted; 20 members retired are impacted; 75 members active; of the 75 there are 61 currently working with the public and 9 will members removed from field work and 5 that are on leave. The Chief explained that the numbers will change as this is an ongoing process of review.

SF
P45
#2
1/5/11

b. OCC Director's Report
- Review of recent activities

Director Hicks addressed the Commission and the audience and introduced members of her staff present. Director Hicks then went on to talk about the duties and responsibilities of the OCC.

c. Commission Reports
- Commission President's Report
- Commissioners' Reports

Commissioner Mazzucco talked about the Medal of Valor ceremony that was held in December and thanked the Chief for putting it together. He also talked about the press conference held today at the Scottish Rite Auditorium and commended the officers for doing a lot more with less and thanked the Chief for full transparency on OIS incidents.

Commissioner Marshall talked about the Medal of Valor ceremony and urged that everyone watch it to hear what the officers did to get the commendations.

Commissioner Chan talked about the Police Activities League (PAL) and stated that applications for future classes are coming out soon. She also talked about the Lunar New Year. Commissioner Chan also talked about the community meeting at the Portola/Visitation Valley area and talked about mentally-ill individuals being shot by officers. She also stated that she, along with Commission Mazzucco will be meeting with the OCC in regards to dealing with mental health.

Commissioner Hammer stated that he will be joining in with the subcommittee on Mental Health.

GOVERNMENT
DOCUMENTS DEPT
MAR 25 2011
SAN FRANCISCO
PUBLIC LIBRARY

Commissioner Mazzucco talked about mental health and how officers are trained to deal with the mentally ill. The Chief also talked about the Memphis model and stated that he will be sending officers to Memphis to look at their training model. He stated that the officers are not trained psychologists and that the officers do need additional tools. The Chief talked about bringing Tasers back before the Commission in mid January or February.

Commissioner Chan wanted to clarify that the issue of Tasers and mental health are two separate items.

PUBLIC COMMENT

Unidentified asked about Memphis not deploying Tasers to their officers and how does Memphis deal with the mentally ill. Chief Gascón stated that he is not sure but he does want to learn and see what they are doing.

CAPTAIN ANN MANNIX, COMMANDING OFFICER OF NORTHERN STATION, TO ADDRESS THE COMMISSION ON POLICE ACTIVITIES IN THE NORTHERN DISTRICT

Captain Mannix addressed the Commission and talked about police activities and demographics of the Northern District. Captain Mannix also presented a commendation to Inspector Tim Plyer.

PUBLIC COMMENT

Alan Hopper, ACLU Police Practice Director, expressed concerns regarding officer-involved shootings of mentally ill individuals and concerns about the use of tasers and training of officers in dealing with the mentally ill individuals.

Cindy Branden, SF Safe, thanked Captain Mannix and the Northern Station officers for promoting neighborhood watches in the Northern and for working with the community police advisory boards.

Clyde thanked Captain Mannix and talked about homicides and stated that the police needs help from the community in solving these cases.

Patricia, Cow Hollow Merchants, discussed homeless problems and concerns regarding calling the non-emergency number. She also talked about looking for safe homes for homeless youths and tour buses in the neighborhood that are not cited.

Max Celasati, Lyons Street resident, discussed the MTA adopting a resolution allowing tour buses to go through restricted streets to bring children to the Exploritorium.

Alan Silverman, Marina Community Association, commended Captain Mannix, Lt. Plyer, and members of the Northern Station. He also discussed homicide in the Marina and asked about licensing of clubs.

Captain Mannix then went on to addressed questions from the audience.

ROUTINE ADMINISTRATIVE BUSINESS

a. Commission Announcements

- Assignment of disciplinary charges filed against Assistant Patrol Special Officer Robert Ortega, File No. C10-242, to an individual Commissioner for the taking of evidence on a date to be determined by the Commissioner

RESOLUTION NO. 11-1

ASSIGNMENT OF COMMISSIONER AND SETTING OF DATE FOR THE TAKING OF EVIDENCE ON DISCIPLINARY CHARGES FILED AGAINST PATROL SPECIAL ROBERT ORTEGA (FILE NO. ALW C10-242)

WHEREAS, the assignment of a Commissioner and setting of a date for hearing on disciplinary charged filed against Patrol Special Robert Ortega, Star No. 2608, Mission, was called it having been set for this date; and

WHEREAS, Commissioner James Hammer is hereby assigned to conduct taking of evidence in the disciplinary charges filed against Patrol Special Officer Robert Ortega; therefore be it

RESOLVED, that Commissioner James Hammer is hereby assigned to conduct taking of evidence in the disciplinary charges filed against Patrol Special Officer Robert Ortega, and is to be set at a later date.

AYES: Commissioners Mazzucco, Marshall, Chan, Kingsley, Hammer, Slaughter
ABSENT: Commissioner DeJesus

b. Scheduling of items identified for consideration at future Commission Meetings

Commissioner Marshall requested a report from the Chief as far as the Chief's Accomplishments and Goals.

The Chief stated that he can talk about technology, the hiring of civilian investigators which have been held back due to concerns from the Union. The Chief also talked about the budget reduction of 10 percent and talked about the upcoming America's Cup and would like to create an America's Cup Planning Group for the event of 2013.

PUBLIC COMMENT ON ALL MATTERS PERTAINING TO CLOSED SESSION

None

VOTE ON WHETHER TO HOLD CLOSED SESSION

Motion by Commissioner Marshall, second by Commissioner Kingsley. Approved 6-0.

CLOSED SESSION (7:55 p.m. to 8:50 p.m.)

a. PUBLIC EMPLOYEE PERFORAMNCE EVALUATION: Chief of Police: Review of findings and decision to return officer to duty following officer-involved shooting (OIS Case No. 10-014)

(PRESENT: Commissioners Mazzucco, Marshall, Chan, Kingsley, Hammer, Slaughter, Chief Gascón, Assistant Chief Shawyer, Commander Mahoney, Lt. Falvey, Risa Tom, Sergeant Nevin and Sgt. Tomioka)

b. PERSONNEL EXCEPTION: Assignment of an Appeal of the Chief's Suspension filed in Case NO. KMO D10-188, to an individual Commissioner for the taking of evidence on a date to be determined by the Commissioner (Resolution No. 11-2, Assigned to Commissioner Carol Kingsley)

(PRESENT: Commissioners Mazzucco, Marshall, Chan, Kingsley, Hammer, Slaughter, Chief Gascón, Assistant Chief Shawyer, Commander Mahoney, Lt. Falvey, Risa Tom, Director Hicks, Attorney Alden, Attorney Fortes)

c. PERSONNEL EXCEPTION: Assignment of disciplinary charges filed in Case No. ALW C10-259, to an individual Commissioner for the taking of evidence on a date to be determined by the Commissioner (Resolution No. 11-3, Assigned to Commissioner Thomas Mazzucco)

(PRESENT: Commissioners Mazzucco, Marshall, Chan, Kingsley, Hammer, Slaughter, Chief Gascón, Assistant Chief Shawyer, Commander Mahoney, Lt. Falvey, Risa Tom, Attorney Alden, Attorney Hechler, and member involved)

d. **PERSONNEL EXCEPTION: Discussion and possible action to appoint a Commissioner to monitor disciplinary Cases No. KMO C08-127 & KMO C08-162 currently assigned to an outside hearing officer** (Resolution No. 11-4, Assigned to Commissioner R. James Slaughter)

(PRESENT: Commissioners Mazzucco, Marshall, Chan, Kingsley, Hammer, Slaughter, Chief Gascón, Assistant Chief Shawyer, Commander Mahoney, Lt. Falvey, Risa Tom, Attorney Alden)

VOTE TO ELECT WHETHER TO DISCLOSE ANY OR ALL DISCUSSION HELD IN CLOSED SESSION

Motion by Commissioner Chan, second by Commissioner Kingsley for non disclosure. Approved 6-0.

ADJOURNMENT

Motion by Commissioner Slaughter, second by Commissioner Kingsley. Approved 6-0.

Thereafter, the meeting was adjourned at 9:00 p.m.

_____

Lieutenant Timothy Falvey
Secretary
San Francisco Police Commission

1071/rct

The Police Commission

CITY AND COUNTY OF SAN FRANCISCO

THOMAS MAZZUCCO
President

DR. JOE MARSHALL
Vice President

PETRA DEJESUS
Commissioner

ANGELA CHAN
Commissioner

JAMES HAMMER
Commissioner

CAROL KINGSLEY
Commissioner

R. JAMES SLAUGHTER
Commissioner

Lieutenant Timothy Falvey
Secretary

SAN FRANCISCO POLICE COMMISSION AGENDA
REGULAR MEETING
WEDNESDAY, JANUARY 12, 2011
5:30 p.m.

CITY HALL, ROOM 400
#1 Dr. Carlton B. Goodlett Place
San Francisco, California

Roll Call; Pledge of Allegiance

1. **Approval of Consent Calendar** (ACTION ITEM)
   a. Request by Inspector John Keane for approval to accept a gift basket, valued at approximately $25.00, from Ms. Rosa Pedrosa
   b. Request by the Chief of Police to accept a donation of $6,000.00 from the Supporters of San Francisco Police Department Wilderness Adventure Youth Program for use by the San Francisco Police Department's Wilderness Program

2. **Adoption of Minutes** (ACTION ITEM)
   - For the meetings of October 2nd, 6th, 20th, November 17th, December 1st & 8, 2010

3. **Public Comment**
   (Members of the public may address the Police Commission for a time period determined by the Chair, not to exceed three minutes, on items that are within the subject matter jurisdiction of the Commission but do not appear on the agenda. Speakers shall address their remarks to the Commission as a whole and not to individual Commissioners or Department or OCC personnel. Under the Police Commission Rules of Order, during the Public Comment, Commissioners are not to enter into debate or discussion with speakers.)

4. **Reports to the Commission** (DISCUSSION ONLY)
   a. Chief's Report
      - Review of recent activities
   b. OCC Director's Report
      - Review of recent activities
   c. Commission Reports
      - Commission President's Report
      - Commissioners' Reports

      Status Report:
      - Commission Priority List

GOVERNMENT
DOCUMENTS DEPT

JAN 11 2011

SAN FRANCISCO
PUBLIC LIBRARY

5. **Routine Administrative Business**
   a. Commission Announcements (DISCUSSION ONLY)
   b. Scheduling of items identified for consideration at future Commission Meetings (ACTION ITEM)

6. Public Comment on all matters pertaining to Closed Session (Item 8 below), including public comment on whether to go into Closed Session.

The Police Commission

CITY AND COUNTY OF SAN FRANCISCO

THOMAS MAZZUCCO
President

DR. JOE MARSHALL
Vice President

PETRA DEJESUS
Commissioner

ANGELA CHAN
Commissioner

JAMES HAMMER
Commissioner

CAROL KINGSLEY
Commissioner

R. JAMES SLAUGHTER
Commissioner

Lieutenant Timothy Falvey
Secretary

SAN FRANCISCO POLICE COMMISSION AGENDA
REGULAR MEETING
WEDNESDAY, JANUARY 12, 2011
5:30 p.m.

CITY HALL, ROOM 400
#1 Dr. Carlton B. Goodlett Place
San Francisco, California

7. Vote on whether to hold Closed Session, including whether to assert the attorney-client privilege to confer with counsel with regard to item 8.b. (San Francisco Administrative Code Section 67.10) (ACTION ITEM)

8. **Closed Session**
   a. Pursuant to Government Code Section 54957(b)(1) and San Francisco Administrative Code Section 67.10(b) and Penal Code 832.7:
   PUBLIC EMPLOYEE PERFORMANCE EVALUATION: Chief of Police
   Review of findings and decision to return officer to duty following officer-involved shooting (OIS Case No. 10-015 & Case No. 11-001) (DISCUSSION ONLY)
   b. Pursuant to Government Code Section 54956.9(a) and San Francisco Administrative Code Section 67.10(d)(1): (DISCUSSION & POSSIBLE ACTION)
   CONFERENCE WITH LEGAL COUNSEL: Existing Litigation:
   Liberato Primer, Jr. v. CCSF, S.F. Superior Court Case No. 09-493199, filed 10/5/09.
   Discussion and possible action to recommend that the Board of Supervisors approve recommended settlement in the action.
   c. Pursuant to Government Code Section 54957(b)(1) and San Francisco Administrative Code Section 67.10(b) and Penal Code 832.7:
   PERSONNEL EXCEPTION: Discussion and possible action to accept or reject Stipulated Disposition of disciplinary charges filed in Case No. JWA C10-196 (ACTION ITEM)
   d. Pursuant to Government Code Section 54957 and San Francisco Administrative Code Section 67.10(b) and Penal Code Section 832.7:
   PERSONNEL EXCEPTION: Discussion and possible action to grant or deny Motion for Dismissal of Disciplinary Charges filed in Case Nos. KMO C08-127 & KMO C08-162 pursuant to Government Code Section 3304(d) (ACTION ITEM)
   The following time limits will apply:
   Arguments by the Department: 10 minutes direct examination; 5 minutes cross examination by defense

(OPEN SESSION) Roll Call.

9. Vote to elect whether to disclose any or all discussion held in closed session (San Francisco Administrative Code Section 67.12(a)) (ACTION ITEM)

10. **Adjournment** (ACTION ITEM)

*** SUPPORTING DOCUMENTATION FOR POLICE COMMISSION AGENDA ITEMS THAT ARE NOT CONFIDENTIAL AND DOCUMENTATION THAT HAVE BEEN DISTRIBUTED TO THE COMMISSION AFTER DISTRIBUTION OF THE AGENDA PACKETS ARE AVAILABLE FOR REVIEW AT THE POLICE COMMISSION OFFICE, THOMAS J. CAHILL HALL OF JUSTICE, 850 BRYANT STREET, ROOM 505, SAN FRANCISCO, CA 94103, DURING NORMAL BUSINESS HOURS. (415) 553-1667

The Police Commission

CITY AND COUNTY OF SAN FRANCISCO

THOMAS MAZZUCCO
President

DR. JOE MARSHALL
Vice President

PETRA DEJESUS
Commissioner

ANGELA CHAN
Commissioner

JAMES HAMMER
Commissioner

CAROL KINGSLEY
Commissioner

R. JAMES SLAUGHTER
Commissioner

Lieutenant Timothy Falvey
Secretary

SAN FRANCISCO POLICE COMMISSION AGENDA

REGULAR MEETING

The Commission will hear public comment on all agenda items before or during discussion of the item.

The ringing of and use of cell phones, pagers and similar sound-producing electronic devices are prohibited at this meeting. Please be advised that the Chair may order the removal from the meeting room of any person(s) responsible for the ringing or use of a cell phone, pager, or other similar sound-producing electronic devices.

KNOW YOUR RIGHTS UNDER THE SUNSHINE ORDINANCE

(Chapter 67 of the San Francisco Administrative Code)

Government's duty is to serve the public, reaching its decisions in full view of the public.

Commissions, boards, councils, and other agencies of the City and County exist to conduct the people's business. This ordinance assures that deliberations are conducted before the people and that City operations are open to the people's review.

FOR MORE INFORMATION ON YOUR RIGHTS UNDER THE SUNSHINE ORDINANCE OR TO REPORT VIOLATION OF THE ORDINANCE, CONTACT THE SUNSHINE ORDINANCE TASK FORCE: ADMINISTRATOR, CITY HALL, ROOM 244, #1 DR. CARLTON B. GOODLETT PLACE, SAN FRANCISCO, CA 94102-4689; OFFICE (415) 554-5163. COPIES OF THE SUNSHINE ORDINANCE CAN BE OBTAINED FROM THE CLERK OF THE SUNSHINE TASK FORCE, THE SAN FRANCISCO PUBLIC LIBRARY, AND ON THE CITY'S WEBSITE AT www.ci.sf.ca.us/bdsupvrs/sunshine

Lobbyist Registration and Reporting Requirements
Individuals and entities that influence or attempt to influence local legislative or administrative action may be required by the San Francisco Lobbyist Ordinance [SF Campaign & Government Code §2.100] to register and report lobbying activity. For more information about the Lobbyist Ordinance, please contact the San Francisco Ethics Commission at 30 Ness Avenue, Suite 3900, San Francisco, CA 94102; telephone (415) 581-2300; fax (415) 581-2317; webs site www.sfgov.org/ethics.

SAN FRANCISCO POLICE COMMISSION
PUBLIC MEETING/HEARING ACCESSIBILITY INFORMATION

Communication accessibility services; including sign language interpreters or computer aided real time captioning will be made available upon advance request. Please call the Police Commission Office at 553-1667 (v) or 553-9194 (tty), at least 72 hours prior to a proceeding. Late requests will be honored if possible.

A **sound enhancement system** will be available on request at the proceeding.

Meeting agendas and other print materials will be made available in alternate formats (computer disk, via email, fax, large print) upon advance request at least 72 hours prior to a proceeding. Please call the Police Commission Office at 553-1667 (v) or 553-9194 (tty). Late requests will be honored if possible.

Individuals with severe allergies, environmental illness, multiple chemical sensitivity or related disabilities should call 553-1667 to discuss meeting accessibility. In order to assist the City's efforts to accommodate such people, attendees at public meetings are reminded that other attendees may be sensitive to various chemical based products.

The proceeding will be held at City Hall, Room 400, #1 Dr. Carlton B. Goodlett Place, San Francisco. The closest accessible BART station is the Civic Center Station. For information about MUNI service, please call 311.

Accessible parking are available on Carlton Goodlett Place, Grove Street, and Van Ness Avenue.

Accessible seating for persons with disabilities and wheelchairs will be available.

For information about the meeting, please call 553-1667(v) or 553-9194 (tty).

JANUARY 12, 2011 REGULAR MEETING

The Police Commission of the City and County of San Francisco met in Room 400, City Hall, #1 Dr. Carlton B. Goodlett Place, San Francisco, at

PRESENT: Commissioners Mazzucco, DeJesus, Chan, Hammer, Kingsley, Slaughter
ABSENT: Commissioner Marshall

(Commissioner DeJesus arrived at 6:15 p.m. Commissioner Hammer is excused at 7 p.m.)

ROUTINE ADMINISTRATIVE BUSINESS

a. Commission Announcements
b. Scheduling of items identified for consideration at future Commission Meetings

Taken out of order.

Commissioner Mazzucco thanked Chief Gascón and announced to start the process for selection of new Chief of Police. This item will be for discussion only.

Commissioner Slaughter would like it to be an action item.

Commissioner Mazzucco announced that A/C Godown is the Acting Chief.

PUBLIC COMMENT

Ray Hartz, SF Open Government, discussed concerns as to what can be done in private and what can be done in public.

Emil Lawrence discussed concerns regarding the former police chief.

Meesha Monge Irizarry, Idriss Stelly Foundation, discussed concerns.

Christine Harris discussed concerns regarding actions of police and training in dealing with people with mental and health challenges.

Charlie Miller discussed concerns regarding selection process for the new Chief of Police.

Clyde commended Chief Gascon.

Raj Naicher discussed concerns regarding mind control weapons.

Unidentified discussed concerns regarding the public's dissatisfication with open government and the selection process for the new Chief of Police.

Commissioner DeJesus would like Tasers rescheduled at the end of February or early March.

Commissioner Slaughter would like to keep Tasers on February 9th.

Commissioner Chan suggested that Mental Health be the priority and discussed before the issue of Tasers.

Commissioner Kingsley stated the since there will be a presentation next week regarding Mental Health training if that will suffice.

Commissioner Mazzucco stated that for now Tasers will be scheduled for the 9th of February.

PUBLIC COMMENT

Meesha Monge Irizarry discussed the shooting of her son and asked for more time before scheduling the discussion regarding Tasers.

APPROVAL OF THE CONSENT CALENDAR

a. **Request by Inspector John Keane for approval to accept a gift basket, valued at approximately $25.00, from Ms. Rosa Pedrosa**
b. **Request by the Chief of Police to accept a donation of $6,000.00 from the Supporters of San Francisco Police Department Wilderness Adventure Youth Program for use by the San Francisco Police Department's Wilderness Program**

GOVERNMENT DOCUMENTS DEPT
MAR 25 2011
SAN FRANCISCO PUBLIC LIBRARY

Motion by Commissioner Hammer, second by Commissioner Kingsley. Approved 6-0.

PUBLIC COMMENT

Emil Lawrence discussed concerns regarding money donated to the Mounted Unit and stated that donations should to be accounted for.

RESOLUTION NO. 11-5

APPROVAL OF THE REQUEST OF INSPECTOR JOHN KEANE TO ACCEPT A GIFT BASKET, VALUED AT APPROXIMATELY $25.00, FROM MS. ROSA PEDROSA

RESOLVED, that the Police Commission hereby approves the request of Inspector John Keane to accept a gift basket, valued at approximately $25.00, from Ms. Rosa Pedrosa.

AYES: Commissioners Mazzucco, DeJesus, Chan, Hammer, Kingsley, Slaughter
ABSENT: Commissioner Marshall

RESOLUTION NO. 11-6

APPROVAL OF THE REQUEST OF THE CHIEF OF POLICE TO ACCEPT A DONATION OF $6,000.00 FROM THE SUPPORTERS OF SAN FRANCISCO POLICE DEPARTMENT WILDERNESS ADVENTURE YOUTH PROGRAM FOR USE BY THE SAN FRANCISCO POLICE DEPARTMENT'S WILDERNESS PROGRAM

RESOLVED, that the Police Commission hereby approves the request of the Chief of Police to accept a donation of $6,000.00 from the Supporters of San Francisco Police Department Wilderness Adventure Youth Program for use by the San Francisco Police Department's Wilderness Program.

AYES: Commissioners Mazzucco, DeJesus, Chan, Hammer, Kingsley, Slaughter
ABSENT: Commissioner Marshall

ADOPTION OF MINUTES

- **For the meetings of October 2nd, 6th, 20th, November 17th, December 1st & 8, 2010**

Motion by Commissioner Hammer, second by Commissioner Chan. Approved 6-0.

PUBLIC COMMENT

None

PUBLIC COMMENT

Ray Hartz, SF Open Government, discussed concerns regarding being interrupted during public comment.

Meesha Monge Irizarry discussed concerns regarding officers dealing with individuals with mental health issues.

Bob Westwood, Mental Health Association, discussed concerns regarding shootings of mental health victims.

Orland, Tenderloin resident, asked the Commission to help reunite the police and the public in the Tenderloin District.

Carl Start discussed concerns regarding abuse by the police.

Charlie Miller announced that there will be a protest at noon regarding the recent shooting and invited members of the Commission and the Chief of Police.

Molly Glasgow spoke in regards to the officer-involved shooting of a man in a wheelchair and asked that training be looked at to avoid incidents like this.

Commissioner Mazzucco announced that he will be meeting with Commissioners Hammer and Chan and Director Hicks on the 20th to discuss mental health issues and then have a public hearing regarding this issue.

REPORTS TO THE COMMISSION

a. Chief's Report

- Review of recent activities

Acting Chief Godown gave a brief statistical crime update.

Commissioner Hammer asked what is the status of the Crisis Intervention Training. Chief Godown explained that the training was not cancelled and is still ongoing. Assistant Chief Schmitt explained the status of the current training. Commissioner Hammer would like the number of officers who have received training for next week's meeting.

b. OCC Director's Report

- Review of recent activities

Director Hicks has no report this evening.

c. Commission Reports

- Commission President's Report

- Commissioners' Reports

Status Report:

- Commission Priority List

Commissioner Kingsley discussed the priority list.

PUBLIC COMMENT

Meesha Monge Irizarry would like mental health issues be a priority.

Charlie Miller thanked the Chief for his report and discussed SF Weekly article regarding Bait Car. Chief Godown explained the purpose of this operation.

Ray Hartz discussed concerns and the priority list.

PUBLIC COMMENT ON ALL MATTERS PERTAINING TO CLOSED SESSION

Ray Hartz discussed concerns regarding closed session.

Charlie Miller discussed concerns regarding the closed session in regards to the officer-involved shootings.

VOTE ON WHETHER TO HOLD CLOSED SESSION

Motion by Commissioner Kingsley, second by Commissioner Chan. Approved 4-0.

CLOSED SESSION (7:35 p.m. to 8:40 p.m.)

a. PUBLIC EMPLOYEE PERFORMANCE EVALUATION: Chief of Police
Review of findings and decision to return officer to duty following officer-involved shooting (OIS Case No. 10-015 & 11-001)

(PRESENT: Commissioners Mazzucco, DeJesus, Chan, Kingsley, Slaughter, Lieutenant Falvey, Risa Tom, Chief Godown, Commander Mahoney, Inspector Nevin, Lieutenant Moser, Deputy City Attorney Blits)

b. CONFERENCE WITH LEGAL COUNSEL: Existing Litigation
Liberato Primer, Jr. v. CCSF, S.F. Superior Court Case No. 09-493199, filed 10/5/09; discussion and possible action to recommend that the Board of Supervisors approve recommended settlement in the action

(PRESENT: Commissioners Mazzucco, DeJesus, Chan, Kingsley, Slaughter, Lieutenant Falvey, Chief Godown, Lt. Silverman, Deputy City Attorney Porter, Deputy City Attorney Blits, Commander Mahoney) *(Resolution 11-7)*

Motion by Commissioner Chan, second by Commissioner Chan. Approved 5-0.

c. **PERSONNEL EXCEPTION: Discussion and possible action to accept or reject stipulated disposition of disciplinary chages filed in case no. JWA C10-196**
(PRESENT: Commissioners DeJesus, Chan, Kingsley, Slaughter, Lieutenant Falvey, Risa Tom, Deputy City Attorney Blits, Chief Godown, Assistant Chief Shawyer, Commander Mahoney, Attorney Alden, Attorney Cheasty, member involved) *(Resolution 11-8)*

d. **PERSONNEL EXCEPTION: Discussion and possible action to grant or deny Motion for Dismissal of Disciplinary Charges filed in Case Nos. KMO C08-127 & KMO 08-162 pursuant to Government Code Section 3304(d)**

Continued to February 19th.

VOTE TO ELECT WHETHER TO DISCLOSE ANY OR ALL DISCUSSION HELD IN CLOSED SESSION

Motion by Commission Slaughter, second by Commissioner Kingsley for non disclosure. Approved 5-0

ADJOURNMENT

Motion by Commissioner Slaughter, second by Commissioner Chan. Approved 5-0.

Thereafter, the meeting was adjourned at 8:40 p.m.

_____
Lieutenant Timothy Falvey
Secretary
San Francisco Police Commission

1071/rct

GOVERNMENT
DOCUMENTS DEPT

JAN 14 2011

SAN FRANCISCO
PUBLIC LIBRARY

The Police Commission

CITY AND COUNTY OF SAN FRANCISCO

THOMAS MAZZUCCO
President

DR. JOE MARSHALL
Vice President

PETRA DEJESUS
Commissioner

ANGELA CHAN
Commissioner

JAMES HAMMER
Commissioner

CAROL KINGSLEY
Commissioner

R. JAMES SLAUGHTER
Commissioner

Lieutenant Timothy Falvey
Secretary

SAN FRANCISCO POLICE COMMISSION AGENDA
REGULAR MEETING
WEDNESDAY, JANUARY 19, 2011
5:30 p.m.

CITY HALL, ROOM 400
#1 Dr. Carlton B. Goodlett Place
San Francisco, California

Roll Call; Pledge of Allegiance

1. Discussion and possible action to establish qualifications, procedures and/or timelines for selecting nominees to submit to the Mayor for Chief of Police, or to take other action related to selecting nominees for Chief of Police. (DISCUSSION AND POSSIBLE ACTION)

   NOTE - Some portion of this item may be heard in closed session under Government Code § 54957(b) and San Francisco Administrative Code § 67.10(b), PUBLIC EMPLOYEE APPOINTMENT – CHIEF OF POLICE. This closed session option is provided so that, if the Commission's discussions on this item involve an individual employee or applicant, the Commission may conduct that portion of the discussion in closed session. If closed session is warranted:

   a. Public comment on all matters related to closed session, including whether to enter closed session.
   b. Vote on whether to enter closed session. (ACTION)
   c. Closed session.
   d. Vote to elect whether to disclose any or all closed session discussions under Administrative Code Section 67.12(a). (ACTION)

2. **Public Comment**
   (Members of the public may address the Police Commission for a time period determined by the Chair, not to exceed three minutes, on items that are within the subject matter jurisdiction of the Commission but do not appear on the agenda. Speakers shall address their remarks to the Commission as a whole and not to individual Commissioners or Department or OCC personnel. Under the Police Commission Rules of Order, during the Public Comment, Commissioners are not to enter into debate or discussion with speakers.)

3. **Approval of Consent Calendar** (ACTION ITEM)
   a. OCC Document Protocol Quarterly Report – 2nd & 3rd Quarter
   b. San Francisco Police Commission Report of Disciplinary Actions – 4th Quarter

4. **Reports to the Commission** (DISCUSSION ONLY)
   a. Chief's Report
      - Review of recent activities
      - Status Report re: Department's Mental Health Training
      - Presentation of 4th Quarter 2010 FDRB Findings & Recommendations
      - Presentation of the OIS Investigation Status Summary
   b. OCC Director's Report
      - Review of recent activities

The Police Commission

CITY AND COUNTY OF SAN FRANCISCO

THOMAS MAZZUCCO
President

DR. JOE MARSHALL
Vice President

PETRA DEJESUS
Commissioner

ANGELA CHAN
Commissioner

JAMES HAMMER
Commissioner

CAROL KINGSLEY
Commissioner

R. JAMES SLAUGHTER
Commissioner

Lieutenant Timothy Falvey
Secretary

SAN FRANCISCO POLICE COMMISSION AGENDA
REGULAR MEETING
WEDNESDAY, JANUARY 19, 2011
5:30 p.m.

CITY HALL, ROOM 400
#1 Dr. Carlton B. Goodlett Place
San Francisco, California

4. c. Commission Reports
   - Commission President's Report
   - Commissioners' Reports

5. **Routine Administrative Business**
   a. Commission Announcements (DISCUSSION ONLY)
   b. Scheduling of items identified for consideration at future Commission Meetings (ACTION ITEM)

6. Public Comment on all matters pertaining to Closed Session (Item 8 below), including public comment on whether to go into Closed Session.

7. Vote on whether to hold Closed Session (ACTION ITEM)

8. **Closed Session**
   a. Pursuant to Government Code Section 54957(b)(1) and San Francisco Administrative Code Section 67.10(b) and Penal Code Section 832.7: PERSONNEL EXCEPTION: Reassignment of Disciplinary Charges filed in Case No. ALW C09-076 to a Commissioner for taking of evidence on a date to be determined by the Commissioner (ACTION ITEM)
   b. Discussion and possible action to take off calendar indefinitely the disciplinary charges filed in Case No. JWA C10-195. Member involved retired from the Department, effective January 7, 2011. Said disciplinary charges will be placed back on calendar should said member be within the jurisdiction of the Police Commission in the future (ACTION ITEM)
   c. Pursuant to Government Code Section 54957(b)(1) and San Francisco Administrative Code Section 67.10(b) and Penal Code 832.7: PERSONNEL EXCEPTION: Discussion and possible action to accept or reject Stipulated Disposition of disciplinary charges filed in Case No. KMO C08-137; if no stipulated agreement in place, status update and scheduling of hearing for taking of evidence (ACTION ITEM)

The Police Commission

CITY AND COUNTY OF SAN FRANCISCO

THOMAS MAZZUCCO
President

DR. JOE MARSHALL
Vice President

PETRA DEJESUS
Commissioner

ANGELA CHAN
Commissioner

JAMES HAMMER
Commissioner

CAROL KINGSLEY
Commissioner

R. JAMES SLAUGHTER
Commissioner

Lieutenant Timothy Falvey
Secretary

SAN FRANCISCO POLICE COMMISSION AGENDA
REGULAR MEETING
WEDNESDAY, JANUARY 19, 2011
5:30 p.m.

CITY HALL, ROOM 400
#1 Dr. Carlton B. Goodlett Place
San Francisco, California

8. d. Pursuant to Government Code Section 54957(b)(1) and San Francisco Administrative Code Section 67.10(b) and Penal Code 832.7:
PUBLIC EMPLOYEE PERFORMANCE EVALUATION: Chief of Police
Review of findings and decision to return officer to duty following officer-involved shooting (OIS Case Case No. 11-001) (DISCUSSION ONLY)

e. Pursuant to Government Code Section 54957 and San Francisco Administrative Code Section 67.10(b) and Penal Code Section 832.7:
PERSONNEL EXCEPTION: Discussion and possible action to grant or deny Motion for Dismissal of Disciplinary Charges filed in Case Nos. KMO C08-127 & KMO C08-162 pursuant to Government Code Section 3304(d) (ACTION ITEM)

(OPEN SESSION) Roll Call.

9. Vote to elect whether to disclose any or all discussion held in closed session (San Francisco Administrative Code Section 67.12(a)) (ACTION ITEM)

10. **Adjournment** (ACTION ITEM)

*** SUPPORTING DOCUMENTATION FOR POLICE COMMISSION AGENDA ITEMS THAT ARE NOT CONFIDENTIAL AND DOCUMENTATION THAT HAVE BEEN DISTRIBUTED TO THE COMMISSION AFTER DISTRIBUTION OF THE AGENDA PACKETS ARE AVAILABLE FOR REVIEW AT THE POLICE COMMISSION OFFICE, THOMAS J. CAHILL HALL OF JUSTICE, 850 BRYANT STREET, ROOM 505, SAN FRANCISCO, CA 94103, DURING NORMAL BUSINESS HOURS. (415) 553-1667

The Police Commission

CITY AND COUNTY OF SAN FRANCISCO

THOMAS MAZZUCCO
President

DR. JOE MARSHALL
Vice President

PETRA DEJESUS
Commissioner

ANGELA CHAN
Commissioner

JAMES HAMMER
Commissioner

CAROL KINGSLEY
Commissioner

R. JAMES SLAUGHTER
Commissioner

Lieutenant Timothy Falvey
Secretary

SAN FRANCISCO POLICE COMMISSION AGENDA

REGULAR MEETING

The Commission will hear public comment on all agenda items before or during discussion of the item.

The ringing of and use of cell phones, pagers and similar sound-producing electronic devices are prohibited at this meeting. Please be advised that the Chair may order the removal from the meeting room of any person(s) responsible for the ringing or use of a cell phone, pager, or other similar sound-producing electronic devices.

KNOW YOUR RIGHTS UNDER THE SUNSHINE ORDINANCE

(Chapter 67 of the San Francisco Administrative Code)

Government's duty is to serve the public, reaching its decisions in full view of the public.

Commissions, boards, councils, and other agencies of the City and County exist to conduct the people's business. This ordinance assures that deliberations are conducted before the people and that City operations are open to the people's review.

FOR MORE INFORMATION ON YOUR RIGHTS UNDER THE SUNSHINE ORDINANCE OR TO REPORT VIOLATION OF THE ORDINANCE, CONTACT THE SUNSHINE ORDINANCE TASK FORCE: ADMINISTRATOR, CITY HALL, ROOM 244, #1 DR. CARLTON B. GOODLETT PLACE, SAN FRANCISCO, CA 94102-4689; OFFICE (415) 554-5163. COPIES OF THE SUNSHINE ORDINANCE CAN BE OBTAINED FROM THE CLERK OF THE SUNSHINE TASK FORCE, THE SAN FRANCISCO PUBLIC LIBRARY, AND ON THE CITY'S WEBSITE AT www.ci.sf.ca.us/bdsupvrs/sunshine

Lobbyist Registration and Reporting Requirements
Individuals and entities that influence or attempt to influence local legislative or administrative action may be required by the San Francisco Lobbyist Ordinance [SF Campaign & Government Code §2.100] to register and report lobbying activity. For more information about the Lobbyist Ordinance, please contact the San Francisco Ethics Commission at 30 Ness Avenue, Suite 3900, San Francisco, CA 94102; telephone (415) 581-2300; fax (415) 581-2317; webs site www.sfgov.org/ethics.

SAN FRANCISCO POLICE COMMISSION
PUBLIC MEETING/HEARING ACCESSIBILITY INFORMATION

Communication accessibility services; including sign language interpreters or computer aided real time captioning will be made available upon advance request. Please call the Police Commission Office at 553-1667 (v) or 553-9194 (tty), at least 72 hours prior to a proceeding. Late requests will be honored if possible.

A **sound enhancement system** will be available on request at the proceeding.

Meeting agendas and other print materials will be made available in alternate formats (computer disk, via email, fax, large print) upon advance request at least 72 hours prior to a proceeding. Please call the Police Commission Office at 553-1667 (v) or 553-9194 (tty). Late requests will be honored if possible.

Individuals with severe allergies, environmental illness, multiple chemical sensitivity or related disabilities should call 553-1667 to discuss meeting accessibility. In order to assist the City's efforts to accommodate such people, attendees at public meetings are reminded that other attendees may be sensitive to various chemical based products.

The proceeding will be held at City Hall, Room 400, #1 Dr. Carlton B. Goodlett Place, San Francisco. The closest accessible BART station is the Civic Center Station. For information about MUNI service, please call 311.

Accessible parking are available on Carlton Goodlett Place, Grove Street, and Van Ness Avenue.

Accessible seating for persons with disabilities and wheelchairs will be available.

For information about the meeting, please call 553-1667(v) or 553-9194 (tty).

JANUARY 19, 2011 **REGULAR MEETING**

The Police Commission of the City and County of San Francisco met in Room 400, City Hall, #1 Dr. Carlton B. Goodlett Place, San Francisco, at 5:40 p.m., in a Regular Meeting.

PRESENT: Commissioners Mazzucco, Marshall, DeJesus, Chan, Kingsley, Hammer, Slaughter

(Commissioner DeJesus arrived at 5:41 p.m.)

APPROVAL OF CONSENT CALENDAR (Taken out of order)
- **OCC Document Protocol Quarterly Report – 2nd & 3rd Quarter**
- **San Francisco Police Commission Report of Disciplinary Actions – 4th Quarter**

Motion by Commissioner Hammer, second by Commission Slaughter. Received and approved 6-0.

REPORTS TO THE COMMISSION (Taken out of order)

a. **Chief's Report**
- **Review of recent activities**
- **Status Report re: Department's Mental Health Training**
- **Presentation of 4th Quarter 2010 FDRB Findings & Recommendations**
- **Presentation of the OIS Investigation Status Summary**

Chief Godown reported on crime statistics.

Assistant Chief Schmitt presented the Department's Mental Health Training report.

Commissioner Hammer asked why the training was stopped in June. Chief Godown stated that the federal funding ran out and had to go back to the academy.

Questions by Commissioners Kingsley, Chan, Slaughter, DeJesus

Commissioner Kingsley asked if there are videos of past trainings that could reach the rest of officers in a short period of time while continuing training.

Commissioner Hammer stated the way to deal with mental health is with

Sergeant Jennifer Jackson presented the 4th Quarter 2010 FDRB Findings & Recommendations and the OIS Investigation Status Summary.

GOVERNMENT
DOCUMENTS DEPT

DEC 23 2013

SAN FRANCISCO
PUBLIC LIBRARY

OCC DIRECTOR'S REPORT
- **Review of recent activities**

Director Hicks reported on OCC case statistics.

COMMISSION REPORTS
- **Commission Announcements**
- **Commissioners' Reports**

Commissioner Kingsley reminded the Commissioners that the priority list will be discussed next week and invited the Chief, Director Hicks, and the public for input.

PUBLIC COMMENT

Meesha Monge Irizarry thanked the Chief for his comments and discussed concerns regarding comments made by Commissioners and stated that she will file a lawsuit against KRON TV and the SFPD for using her son's shooting incident for training at the Academy.

Ray Hartz, SF Open Government, discussed concerns regarding training presentation and gave some suggestions.

Unidentified discussed concerns regarding shooting of his brother Charles Harrison and concerns that no arrest have been made and would like to know what is being done. Chief Godown stated that he will talk to him about this investigation.

Unidentified commended Commissioner DeJesus for her comments and discussed concerns regarding the costs of training.

Lidia, community organizer, commended Commissioner DeJesus for her comments and stated that it is imperative to provide training for officers.

Clyde discussed the police dealing with mentally ill individuals.

DISCUSSION AND POSSIBLE ACTION TO ESTABLISH QUALIFICATIONS, PROCEDURES AND/OR TIMELINES FOR SELECTING NOMINEES TO SUBMIT TO THE MAYOR FOR CHIEF OF POLICE, OR TO TAKE OTHER ACTION RELATED TO SELECTING NOMINEES FOR CHIEF OF POLICE

NOTE - Some portion of this item may be heard in closed session under Government Code § 54957(b) and San Francisco Administrative Code § 67.10(b), PUBLIC EMPLOYEE APPOINTMENT – CHIEF OF POLICE. This closed session option is provided so that, if the Commission's discussions on this item involve an individual employee or applicant, the Commission may conduct that portion of the discussion in closed session. If closed session is warranted:

a. Public comment on all matters related to closed session, including whether to enter closed session.
b. Vote on whether to enter closed session. (ACTION)
c. Closed session.
d. Vote to elect whether to disclose any or all closed session discussions under Administrative Code Section 67.12(a).

Commissioner Mazzucco talked about

PUBLIC COMMENT

Ray Hartz discussed as to how much is open to the public and concerns of limiting candidates outside of the Department, questions relating to drug lab, Brady issue, process should be open to the public.

Reese Aaron, LGBT community, asked that there be more public comment relating to this item so that communities can be heard.

Emile Lawrence suggested on sticking to the rank and file for candidates and discussed concerns regarding the OCC.

Robin, Tenderloin community, asked the Commission to consider the sanctuary situation, experience running a big city, and do not rush with the process.

Richard, National Lawyers' Guild of SF, have a series of questions that would like to post to candidates and read questions.

Samar Hara, Coalition for a Safe SF, issue to take rights of Arab and Muslim communities.

Unidentified, works with Arab and Muslim students, discussed concerns regarding comments made by former Chief Gascon, and asked that the Commission meet with the Arab and Muslim communities.

PUBLIC COMMENT

Ray Hartz discussed concerns regarding public comment and being interrupted during public comment.

ROUTINE ADMINISTRATIVE BUSINESS

a. Commission Announcements

b. Scheduling of items identified for consideration at future Commission Meetings

Commissioner Mazzucco asked that the Tasers presentation be moved to February 23rd and that the Mental Health hearing moved to February 9th.

PUBLIC COMMENT

None

PUBLIC COMMENT ON ALL MATTERS PERTAINING TO CLOSED SESSION

None

VOTE ON WHETHER TO HOLD CLOSED SESSION

Motion by commissioner Mazzucco, second by Commissioner Hammer. Approved 7-0.

CLOSED SESSION (8:30 p.m. to 10:15 p.m.)

a. **PERSONNEL EXCEPTION: Reassignment of Disciplinary Charges filed in Case No. ALW C09-076 to a Commissioner for the taking of evidence on a date to be determined by the Commissioner** (Assigned to Commissioner Angela Chan, Resolution No. 11-9)

(PRESENT: Commissioners Mazzucco, Marshall, DeJesus, Chan, Kingsley, Hammer, Slaughter, Chief Godown, Assistant Chief Shawyer, Commander Mahoney, Lt. Falvey, Risa Tom, Deputy City Attorney Blits, Attorney Worsham, Attorney Gaines)

b. **PERSONNEL EXCEPTION: Discussion and possible action to take off calendar indefinitely the disciplinary charges filed in Case No. JWA C10-195. Member involved retired from the Department, effective January 7, 2011. Said disciplinary charges will be placed back on calendar should said member be within the jurisdiction of the Police Commission in the future** (Resolution No. 11-10)

(PRESENT: Commissioners Mazzucco, Marshall, DeJesus, Chan, Kingsley, Hammer, Slaughter, Chief Godown, Assistant Chief Shawyer, Commander Mahoney, Lt. Falvey, Risa Tom, Deputy City Attorney Porter, Deputy City Attorney Blits, Lt. Moser, Sgt. Juarez, Attorney Alden)

c. **PERSONNEL EXCEPTION: Discussion and possible action to accept or reject Stipulated Disposition of disciplinary charges filed in Case No. KMO C8-137; if no stipulated agreement in place, status update and scheduling of hearing for taking of evidence** (Put over to 2/9/11)

(PRESENT: Commissioners Mazzucco, Marshall, DeJesus, Chan, Kingsley, Hammer, Slaughter, Chief Godown, Assistant Chief Shawyer, Commander Mahoney, Lt. Falvey, Risa Tom, Deputy City Attorney Zureski, Attorney Lassart, Attorney Alden)

d. **PUBLIC EMPLOYEE PERFORMANCE EVALUTATION: Chief of Police Review of findings and decision to return officer to duty following officer-involved shooting (OIS Case No. 11-001)**

(PRESENT: Commissioners Mazzucco, Marshall, DeJesus, Chan, Kingsley, Hammer, Slaughter, Chief Godown, Assistant Chief Shawyer, Commander Mahoney, Lt. Falvey, Risa Tom, Deputy City Attorney Porter, Deputy City Attorney Blits, Lt. Moser, Sgt. Juarez, Sgt. Jackson, Attorney Alden)

e. **PERSONNEL EXCEPTION: Discussion and possible action to grant or deny Motion for Dismissal of Disciplinary Charges filed in Case Nos. KMO C08-127 & KMO C08-162 pursuant to Government Code Section 3304(d)** (Documents admitted; put over to two weeks)

(PRESENT: Commissioners DeJesus, Chan, Kingsley, Hammer, Slaughter, Lt. Falvey, Risa Tom, Deputy City Attorney Zureski, Attorney Alden, Attorney Lassart, Court Reporter Bruihl, and member involved)

VOTE TO ELECT WHETHER TO DISCLOSE ANY OR ALL DISCUSSION HELD IN CLOSED SESSION

Motion by Commissioner Chan, second by Commissioner Slaughter for non disclosure. Approved 5-0.

ADJOURNMENT

Motion by Commissioner Kingsley, second by Commissioner Hammer. Approved 5-0.

Thereafter, the meeting was adjourned at 10:15 p.m.

_____

Lieutenant Timothy Falvey
Secretary
San Francisco Police Commission

1071/rct

The Police Commission

CITY AND COUNTY OF SAN FRANCISCO

THOMAS MAZZUCCO
President

DR. JOE MARSHALL
Vice President

PETRA DEJESUS
Commissioner

ANGELA CHAN
Commissioner

JAMES HAMMER
Commissioner

CAROL KINGSLEY
Commissioner

R. JAMES SLAUGHTER
Commissioner

Lieutenant Timothy Falvey
Secretary

SAN FRANCISCO POLICE COMMISSION AGENDA
REGULAR MEETING
WEDNESDAY, JANUARY 26, 2011
5:30 p.m.

CITY HALL, ROOM 400
#1 Dr. Carlton B. Goodlett Place
San Francisco, California

Roll Call; Pledge of Allegiance

1. **Public Comment**
(Members of the public may address the Police Commission for a time period determined by the Chair, not to exceed three minutes, on items that are within the subject matter jurisdiction of the Commission but do not appear on the agenda. Speakers shall address their remarks to the Commission as a whole and not to individual Commissioners or Department or OCC personnel. Under the Police Commission Rules of Order, during the Public Comment, Commissioners are not to enter into debate or discussion with speakers.)

2. **Reports to the Commission** (DISCUSSION ONLY)
   a. Chief's Report
      - Review of recent activities
   b. OCC Director's Report
      - Review of recent activities
   c. Commission Reports
      - Commission President's Report
      - Commissioners' Reports

   Status Update
      - Search for Chief of Police

GOVERNMENT
DOCUMENTS DEPT

JAN 24 2011

SAN FRANCISCO
PUBLIC LIBRARY

3. **Routine Administrative Business**
   a. Commission Announcements (DISCUSSION ONLY)
   b. Scheduling of items identified for consideration at future Commission Meetings (ACTION ITEM)

4. Discussion and possible action to adopt a resolution urging the Board of Supervisors to authorize the Police Department to conduct Criminal Background Checks pursuant to State Law for the purpose of Investigating Applications for certain permits and licenses issued by the Chief of Police (ACTION ITEM)

5. Discussion and possible action to adopt proposed Objectives and Criteria for Setting Priorities and List of Commission Priorities (ACTION ITEM)

6. Public Comment on all matters pertaining to Closed Session (Item 8 below), including public comment on whether to go into Closed Session.

7. Vote on whether to hold Closed Session (ACTION ITEM)

The Police Commission

CITY AND COUNTY OF SAN FRANCISCO

THOMAS MAZZUCCO
President

DR. JOE MARSHALL
Vice President

PETRA DEJESUS
Commissioner

ANGELA CHAN
Commissioner

JAMES HAMMER
Commissioner

CAROL KINGSLEY
Commissioner

R. JAMES SLAUGHTER
Commissioner

Lieutenant Timothy Falvey
Secretary

SAN FRANCISCO POLICE COMMISSION AGENDA
REGULAR MEETING
WEDNESDAY, JANUARY 26, 2011
5:30 p.m.

CITY HALL, ROOM 400
#1 Dr. Carlton B. Goodlett Place
San Francisco, California

8. **Closed Session**
   a. Pursuant to Government Code Section 54957(b)(1) and San Francisco Administrative Code Section 67.10(b) and Penal Code Section 832.7: PERSONNEL EXCEPTION: Assignment of Disciplinary Charges filed in Case No. ALW C11-015 to a Commissioner for taking of evidence on a date to be determined by the Commissioner (ACTION ITEM)
   b. Pursuant to Government Code Section 54957(b)(1) and San Francisco Administrative Code Section 67.10(b) and Penal Code Section 832.7: PERSONNEL EXCEPTION: Assignment of Disciplinary Charges filed in Case No. JWA C-11-001 to a Commissioner for taking of evidence on a date to be determined by the Commissioner (ACTION ITEM)
   c. Pursuant to Government Code Section 54957 and San Francisco Administrative Code Section 67.10(b) and Penal Code Section 832.7: PERSONNEL EXCEPTION: Discussion and possible action to issue Commission subpoenas in the Appeal of the Chief's Suspension in Case No. KMO D10-188 (ACTION ITEM)

(OPEN SESSION) Roll Call.

9. Vote to elect whether to disclose any or all discussion held in closed session (San Francisco Administrative Code Section 67.12(a)) (ACTION ITEM)

10. **Adjournment** (ACTION ITEM)

*** SUPPORTING DOCUMENTATION FOR POLICE COMMISSION AGENDA ITEMS THAT ARE NOT CONFIDENTIAL AND DOCUMENTATION THAT HAVE BEEN DISTRIBUTED TO THE COMMISSION AFTER DISTRIBUTION OF THE AGENDA PACKETS ARE AVAILABLE FOR REVIEW AT THE POLICE COMMISSION OFFICE, THOMAS J. CAHILL HALL OF JUSTICE, 850 BRYANT STREET, ROOM 505, SAN FRANCISCO, CA 94103, DURING NORMAL BUSINESS HOURS. (415) 553-1667

SAN FRANCISCO POLICE COMMISSION
PUBLIC MEETING/HEARING ACCESSIBILITY INFORMATION

Communication accessibility services; including sign language interpreters or computer aided real time captioning will be made available upon advance request. Please call the Police Commission Office at 553-1667 (v) or 553-9194 (tty), at least 72 hours prior to a proceeding. Late requests will be honored if possible.

A **sound enhancement system** will be available on request at the proceeding.

Meeting agendas and other print materials will be made available in alternate formats (computer disk, via email, fax, large print) upon advance request at least 72 hours prior to a proceeding. Please call the Police Commission Office at 553-1667 (v) or 553-9194 (tty). Late requests will be honored if possible.

Individuals with severe allergies, environmental illness, multiple chemical sensitivity or related disabilities should call 553-1667 to discuss meeting accessibility. In order to assist the City's efforts to accommodate such people, attendees at public meetings are reminded that other attendees may be sensitive to various chemical based products.

The proceeding will be held at City Hall, Room 400, #1 Dr. Carlton B. Goodlett Place, San Francisco. The closest accessible BART station is the Civic Center Station. For information about MUNI service, please call 311.

Accessible parking are available on Carlton Goodlett Place, Grove Street, and Van Ness Avenue.

Accessible seating for persons with disabilities and wheelchairs will be available.

For information about the meeting, please call 553-1667(v) or 553-9194 (tty).

The Police Commission

CITY AND COUNTY OF SAN FRANCISCO

THOMAS MAZZUCCO
President

DR. JOE MARSHALL
Vice President

PETRA DEJESUS
Commissioner

ANGELA CHAN
Commissioner

JAMES HAMMER
Commissioner

CAROL KINGSLEY
Commissioner

R. JAMES SLAUGHTER
Commissioner

Lieutenant Timothy Falvey
Secretary

SAN FRANCISCO POLICE COMMISSION AGENDA

REGULAR MEETING

The Commission will hear public comment on all agenda items before or during discussion of the item.

The ringing of and use of cell phones, pagers and similar sound-producing electronic devices are prohibited at this meeting. Please be advised that the Chair may order the removal from the meeting room of any person(s) responsible for the ringing or use of a cell phone, pager, or other similar sound-producing electronic devices.

KNOW YOUR RIGHTS UNDER THE SUNSHINE ORDINANCE

(Chapter 67 of the San Francisco Administrative Code)

Government's duty is to serve the public, reaching its decisions in full view of the public.

Commissions, boards, councils, and other agencies of the City and County exist to conduct the people's business. This ordinance assures that deliberations are conducted before the people and that City operations are open to the people's review.

FOR MORE INFORMATION ON YOUR RIGHTS UNDER THE SUNSHINE ORDINANCE OR TO REPORT VIOLATION OF THE ORDINANCE, CONTACT THE SUNSHINE ORDINANCE TASK FORCE: ADMINISTRATOR, CITY HALL, ROOM 244, #1 DR. CARLTON B. GOODLETT PLACE, SAN FRANCISCO, CA 94102-4689; OFFICE (415) 554-5163. COPIES OF THE SUNSHINE ORDINANCE CAN BE OBTAINED FROM THE CLERK OF THE SUNSHINE TASK FORCE, THE SAN FRANCISCO PUBLIC LIBRARY, AND ON THE CITY'S WEBSITE AT www.ci.sf.ca.us/bdsupvrs/sunshine

Lobbyist Registration and Reporting Requirements
Individuals and entities that influence or attempt to influence local legislative or administrative action may be required by the San Francisco Lobbyist Ordinance [SF Campaign & Government Code §2.100] to register and report lobbying activity. For more information about the Lobbyist Ordinance, please contact the San Francisco Ethics Commission at 30 Ness Avenue, Suite 3900, San Francisco, CA 94102; telephone (415) 581-2300; fax (415) 581-2317; webs site www.sfgov.org/ethics.

JANUARY 26, 2011 **REGULAR MEETING**

The Police Commission of the City and County of San Francisco met in Room 400, City Hall, #1 Dr. Carlton B. Goodlett Place, San Francisco, at 5:35 p.m.

PRESENT: Commissioners Mazzucco, Marshall, Chan, Hammer, Kingsley
ABSENT: Commissioners DeJesus, Slaughter

(Commissioner Marshall arrived at 5:50 p.m.)

PUBLIC COMMENT

Ace Washington congratulated the Department in the apprehension of a homicide suspect and commended the Captain and the officers of Northern Station. He went on to talk about his application process for a press pass.

Clyde discussed concerns regarding nonprofit organizations commenting in the press regarding shooting of an individual on a wheelchair.

REPORTS TO THE COMMISSION

a. Chief's Report
- Review of recent activities

GOVERNMENT DOCUMENTS DEPT
DEC 23 2013
SAN FRANCISCO PUBLIC LIBRARY

Assistant Chief Shawyer gave a brief statistical crime update.

Commissioner Hammer asked about increase in homicides.

b. OCC Director's Report
- Review of recent activities

Director Hicks reported on the OCC's phone and that they are operational again. The phones were off on Monday and Tuesday due to an ATT operational problem.

c. Commission Reports
- Commission President's Report
- Commissioners' Reports
Status Report:
- Search for Chief of Police

Commissioner Mazzucco reported on meetings in regards to Mental Health issues and discussed the Memphis Model and stated that the meetings were very productive.

Commissioner Hammer thanked Commissioners Mazzucco and Chan for their time and for reaching out to the mental health advocates.

Commissioner Chan thanked Commissioners Mazzucco and Hammer for their commitment and then talked about the Memphis Model.

Commissioner Kingsley thanked Commissioners Mazzucco, Hammer, and Chan for their work and commitment on this issue.

Commissioner Mazzucco announced that the search for the Chief of Police announcement is up and posted on Monday with a due date for February 8th, at 5:00 p.m.

Commissioner Mazzucco suggested three community meetings at the LGBT Center, Bayview, and Taraval.

Commissioner Chan stated that she will do some outreach with the Asian POA.

Commissioner Mazzucco would also like to set a date to meet with law enforcement officers, go to district and community meetings.

Commissioner Hammer would like to hear from the members of the Department and the community and stakeholders.

Commissioner Chan suggested Thursdays, February 10th, 17th, and 24th for non quorum community meetings.

Commissioner Hammer suggested a Monday night to meet with the members of the Department. Mr. Steve Johnson will make the POA office available on a Monday for a non quorum meeting with the rank and file.

Commissioner Hammer suggested also the posting dates and meeting locations on the Department's website.

PUBLIC COMMENT

Steve Pitocchi, SEIU Representative, suggested some characteristics needed for Chief of Police and requested that a date be set aside to have a meeting with the civilian employees of the Department to give their input.

Al Sandoval commended Captain Greg Suhr and recommended him to be Chief of Police and invited the Commission to come to the Bayview District.

Emil Lawrence suggested picking a Chief from inside the Department that has the respect of the rank and file.

Clyde stated that he talked to 40 to 50 officers regarding Greg Suhr and what a great officer he is.

Barbara Growth discussed concerns regarding former Chief.

ROUTINE ADMINISTRATIVE BUSINESS

a. Commission Announcements

b. Scheduling of items identified for consideration at future Commission Meetings

None.

PUBLIC COMMENT

None

DISCUSSION AND POSSIBLE ACTION TO ADOPT A RESOLUTION URGING THE BOARD OF SUPERVISORS TO AUTHORIZE THE POLICE DEPARTMENT TO CONDUCT CRIMINAL BACKGROUND CHECKS PURSUANT TO STATE LAW FOR THE PURPOSE OF INVESTIGATING APPLICATIONS FOR CERTAIN PERMITS AND LICENSES ISSUED BY THE CHIEF OF POLICE

Taken off calendar to be scheduled for a later date.

DISCUSSION AND POSSIBLE ACTION TO ADOPT PROPOSED OBJECTIVES AND CRITERIA FOR SETTING PRIORITIES AND LIST OF COMMISSION PRIORITIES

Commissioner Kingsley presented the Commission's objectives and criteria for setting priorities and to address the priorities.

Motion to adopt proposed objectives and criteria for setting priorities, second by Commissioner Mazzucco. Approved 5-0.

Motion to add proposed objective and criteria to website, second by Commissioner Hammer. Approved 5-0.

Commissioner Chan suggested that priorities be discussed when the full commission is present.

Commissioner Hammer suggested February 16th for discussion regarding Patrol Specials.

Commissioner Marshall stated the discipline should be the priority.

PUBLIC COMMENT

Emil Lawrence asked about document discussed and discussed concerns regarding posting of meeting schedules. Commissioner Kingsley explained how the priorities were developed.

Commissioner Kingsley suggested talking with the Commission and the Department and the OCC to talk about priorities.

Commissioner Hammer suggested putting this back on at the end of February for further discussion.

RESOLUTION NO. 11-11

ADOPTION OF PROPOSED OBJECTIVES AND CRITERIA FOR SETTING PRIORITIES AND LIST OF COMMISSION PRIORITIES AND APPROVAL TO POST ON THE COMMISSION WEBPAGE

RESOLVED, that the Commission hereby adopts the following Objectives and Criteria for Setting Priorities and list of Commission priorities:

OBJECTIVES (Not in order of any priority):

1. To schedule, hear and decide discipline cases with maximum efficiency and fairness.

2. To systematically review the primary areas of the Police Department, including Department General Orders, to make sure they are running well and in compliance with current law and best practices for training.

3. To address the particular needs of special populations that may have challenges impacting public safety due to culture or language differences, disability or age to insure accessibility to and protection of the police system.

4. To support the Chief of Police and the Director of Office of Citizen Complaints.

5. To foster confidence, trust and respect in the Police Department, peace officers, the Office of Citizen Complaints, and the Police Commission.

CRITERIA FOR SETTING PRIORITIES (Not in order of any priority):

1. Does the matter address one or more commission objectives, stated above?

2. How urgent is the matter?

3. How long is the commission meeting agenda proposed for discussion of the matter and how long would the matter require for presentation, discussion, and/or action?

4. How long ago was the matter planned for presentation, discussion and/or action?

5. How high a priority is the matter for the San Francisco Public, Chief of Police, or Director of Office of Citizen Complaints?

6. To what degree does the matter impact public safety?

SUMMARY OF PRIORITIES:

TOP TIER "RED":

Language Access
Mental Health Issues
Patrol Special Officers
Nightclub Violence
Undocumented Crime Victims

SECOND TIER "BLUE":

Brady II
DNA & Sexual Assault Cases
Domestic Violence

THIRD TIER:

Breach of Confidentiality
Chief of Police & OCC Director Reviews
Surveillance, Racial Profiling
Commission Staffing
Domestic Violence
DGO on Shooting Moving Vehicles
Cannabis

RESOLVED, that this resolution be posted on the Police Commission webpage.

PRESENT: Commissioners Mazzucco, Marshall, Chan, Kingsley, Hammer
ABSENT: Commissioners DeJesus, Slaughter

PUBLIC COMMENT ON ALL MATTERS PERTAINING TO CLOSED SESSION

None

VOTE ON WHETHER TO HOLD CLOSED SESSION

Motion by Commissioner Kingsley, second by Commissioner Marshall. Approved 5-0

CLOSED SESSION (6:35 p.m. to 6:45 p.m.)

a. **PERSONNEL EXCEPTION: Assignment of Disciplinary Charges filed in Case No. ALW C11-01S to a Commissioner for taking of evidence on a date to be determined by the Commissioner** (Assigned to Commissioner DeJesus, Resolution No. 11-12)

(PRESENT: Commissioners Mazzucco, Chan, Kingsley, Hammer, Lieutenant Falvey, Risa Tom, Assistant Chief Shawyer, Commander Mahoney, Mr. Steve Johnson)

b. **PERSONNEL EXCEPTION: Assignment of Disciplinary Charges filed in Case No. JWA C11-011 to a Commissioner for taking of evidence on a date to be determined by the Commissioner** (Assigned to Commissioner Hammer, Resolution No. 11-13)

(PRESENT: Commissioners Mazzucco, Chan, Kingsley, Hammer, Lieutenant Falvey, Risa Tom, Assistant Chief Shawyer, Commander Mahoney, Attorney Alden, Mr. Steve Johnson)

c. **PERSONNEL EXCEPTION: Discussion and possible action to issue Commission subpoenas in the Appeal of the Chief's Suspension in Case No. KMO D10-188**

(PRESENT: Commissioners Mazzucco, Chan, Kingsley, Hammer, Lieutenant Falvey, Risa Tom, Assistant Chief Shawyer, Commander Mahoney, Attorney Fraenkel, Mr. Steve Johnson, Deputy City Attorney Porter) Motion by Commissioner Hammer, second by Commissioner Marshall. Approved 5-0

VOTE TO ELECT WHETHER TO DISCLOSE ANY OR ALL DISCUSSION HELD IN CLOSED SESSION

Motion by Commissioner Hammer, second by Commissioner Marshall for non disclosure. Approved 5-0

ADJOURNMENT

Motion by Commissioner Hammer, second by Commissioner Marshall. Approved 5-0.

Thereafter, the meeting was adjourned at 6:45 p.m.

_____

Lieutenant Timothy Falvey
Secretary
San Francisco Police Commission

1071/rct

The Police Commission

CITY AND COUNTY OF SAN FRANCISCO

THOMAS MAZZUCCO
President

DR. JOE MARSHALL
Vice President

PETRA DEJESUS
Commissioner

ANGELA CHAN
Commissioner

JAMES HAMMER
Commissioner

CAROL KINGSLEY
Commissioner

R. JAMES SLAUGHTER
Commissioner

Lieutenant Timothy Falvey
Secretary

SAN FRANCISCO POLICE COMMISSION AGENDA
REGULAR MEETING
WEDNESDAY, FEBRUARY 2, 2011
5:30 p.m.

CITY HALL, ROOM 400
#1 Dr. Carlton B. Goodlett Place
San Francisco, California

Roll Call; Pledge of Allegiance

1. **Consent Calendar** (RECEIVE & FILE; ACTION TIME)
   - Quarterly Report by the Department and the Office of Citizen Complaints regarding Policy Proposals

2. **General Public Comment**
   (The public is now welcome to address the Commission regarding items that do not appear on tonight's agenda but that are within the subject matter jurisdiction of the Commission. Speakers shall address their remarks to the Commission as a whole and not to individual Commissioners or Department or OCC personnel. Under Police Commission Rules of Order, during public comment, neither Police personnel, OCC personnel, nor Commissioners are required to respond to questions presented by the public but, may provide a brief response. Individual Commissioners and Police personnel should refrain, however, from entering into any debates or discussion with speakers during public comment. Please limit your comments to three (3) minutes.)

3. **Reports to the Commission** (DISCUSSION ONLY)
   a. Chief's Report
      - Report on crime statistics
      - Review of recent activities
      - Status report on preparation of SFPD's 2011-2012 budget
      - Status report on revision of Department General Order 5.02, "Use of Firearms"
   b. OCC Director's Report
      - Review of recent activities
      - Presentation of the OCC's 2010 Annual Report
      - Status report on preparation of OCC's 2011-2012 budget
   c. Commission Reports
      - Commission President's Report
      - Commissioners' Reports

4. **Routine Administrative Business**
   a. Commission Announcements (DISCUSSION ONLY)
   b. Scheduling of items identified for consideration at future Commission meetings (ACTION ITEM)

5. Public comment on all matters pertaining to Closed Session (Item 7 below), including public comment on vote whether to hold Item 7 in closed session.

6. Vote on whether to hold Item 7 in closed session (ACTION ITEM)

GOVERNMENT
DOCUMENTS DEPT

JAN 28 2011

SAN FRANCISCO
PUBLIC LIBRARY

THOMAS J. CAHILL HALL OF JUSTICE, 850 BRYANT ST., RM. 505, SAN FRANCISCO, CA 94103-4603 (415) 553-1667 FAX (415) 553-1669

The Police Commission

CITY AND COUNTY OF SAN FRANCISCO

THOMAS MAZZUCCO
President

DR. JOE MARSHALL
Vice President

PETRA DEJESUS
Commissioner

ANGELA CHAN
Commissioner

JAMES HAMMER
Commissioner

CAROL KINGSLEY
Commissioner

R. JAMES SLAUGHTER
Commissioner

Lieutenant Timothy Falvey
Secretary

SAN FRANCISCO POLICE COMMISSION AGENDA
REGULAR MEETING
WEDNESDAY, FEBRUARY 2, 2011
5:30 p.m.

CITY HALL, ROOM 400
#1 Dr. Carlton B. Goodlett Place
San Francisco, California

7. **Closed Session – Disciplinary Cases**
   a. Pursuant to Government Code Section 54957(b)(1) and San Francisco Administrative Code Section 67.10(b) and Penal Code Section 832.7: PERSONNEL EXCEPTION: Assignment of Disciplinary Charges filed in Case No. IVF C11-023 to a Commissioner for taking of evidence on a date to be determined by the Commissioner (ACTION ITEM)
   b. Pursuant to Government Code Section 54957 and San Francisco Administrative Code Section 67.10(b) and Penal Code Section 832.7: PERSONNEL EXCEPTION: Discussion and possible action to appoint a Commissioner to monitor disciplinary Case No. ALW C08-181 currently assigned to an outside hearing officer and hearing on the Motion to Compel Discovery (ACTION ITEM)

(OPEN SESSION) Roll Call.

8. Vote to elect whether to disclose any or all discussion on Item 7 held in closed session (San Francisco Administrative Code Section 67.12(a)) (ACTION ITEM)

9. Public comment on all matters pertaining to Item 11 below, Closed Session – Public Employee Appointment: Chief of Police, including public comment on vote whether to hold Item 11 in closed session

10. Vote on whether to hold Item 11 in closed session (ACTION ITEM)

11. **Closed Session – PUBLIC EMPLOYEE APPOINTMENT: Chief of Police**
    Review and evaluation of applications submitted by candidates for Chief of Police. This item may be held in closed session under Government Code Section 54957(b) and San Francisco Administrative Code Section 67.10(b). (DISCUSSION & POSSIBLE ACTION)

(OPEN SESSION) Roll Call.

12. Vote to elect whether to disclose any or all discussion on Item 11 held in closed session (San Francisco Administrative Code Section 67.12(a)) (ACTION ITEM)

The Police Commission

CITY AND COUNTY OF SAN FRANCISCO

THOMAS MAZZUCCO
President

DR. JOE MARSHALL
Vice President

PETRA DEJESUS
Commissioner

ANGELA CHAN
Commissioner

JAMES HAMMER
Commissioner

CAROL KINGSLEY
Commissioner

R. JAMES SLAUGHTER
Commissioner

Lieutenant Timothy Falvey
Secretary

SAN FRANCISCO POLICE COMMISSION AGENDA
REGULAR MEETING
WEDNESDAY, FEBRUARY 2, 2011
5:30 p.m.

CITY HALL, ROOM 400
#1 Dr. Carlton B. Goodlett Place
San Francisco, California

13. Discussion and possible action to establish further procedures and/or timelines for selecting nominees to submit to the Mayor for Chief of Police, or to take other action related to selecting nominees for Chief of Police (DISCUSSION & POSSIBLE ACTION)

    Note – this item is included in the event the Commission wishes to discuss and take further action to establish procedures and/or timelines to select nominees to submit to the Mayor for Chief of Police, or to take other action related to selecting nominees for Chief of Police

14. **Adjournment** (ACTION ITEM)

*** SUPPORTING DOCUMENTATION FOR POLICE COMMISSION AGENDA ITEMS THAT ARE NOT CONFIDENTIAL AND DOCUMENTATION THAT HAVE BEEN DISTRIBUTED TO THE COMMISSION AFTER DISTRIBUTION OF THE AGENDA PACKETS ARE AVAILABLE FOR REVIEW AT THE POLICE COMMISSION OFFICE, THOMAS J. CAHILL HALL OF JUSTICE, 850 BRYANT STREET, ROOM 505, SAN FRANCISCO, CA 94103, DURING NORMAL BUSINESS HOURS. (415) 553-1667

The Police Commission

CITY AND COUNTY OF SAN FRANCISCO

THOMAS MAZZUCCO
President

DR. JOE MARSHALL
Vice President

PETRA DEJESUS
Commissioner

ANGELA CHAN
Commissioner

JAMES HAMMER
Commissioner

CAROL KINGSLEY
Commissioner

R. JAMES SLAUGHTER
Commissioner

Lieutenant Timothy Falvey
Secretary

SAN FRANCISCO POLICE COMMISSION AGENDA

REGULAR MEETING

The Commission will hear public comment on all agenda items before or during discussion of the item.

The ringing of and use of cell phones, pagers and similar sound-producing electronic devices are prohibited at this meeting. Please be advised that the Chair may order the removal from the meeting room of any person(s) responsible for the ringing or use of a cell phone, pager, or other similar sound-producing electronic devices.

KNOW YOUR RIGHTS UNDER THE SUNSHINE ORDINANCE

(Chapter 67 of the San Francisco Administrative Code)

Government's duty is to serve the public, reaching its decisions in full view of the public.

Commissions, boards, councils, and other agencies of the City and County exist to conduct the people's business. This ordinance assures that deliberations are conducted before the people and that City operations are open to the people's review.

FOR MORE INFORMATION ON YOUR RIGHTS UNDER THE SUNSHINE ORDINANCE OR TO REPORT VIOLATION OF THE ORDINANCE, CONTACT THE SUNSHINE ORDINANCE TASK FORCE: ADMINISTRATOR, CITY HALL, ROOM 244, #1 DR. CARLTON B. GOODLETT PLACE, SAN FRANCISCO, CA 94102-4689; OFFICE (415) 554-5163. COPIES OF THE SUNSHINE ORDINANCE CAN BE OBTAINED FROM THE CLERK OF THE SUNSHINE TASK FORCE, THE SAN FRANCISCO PUBLIC LIBRARY, AND ON THE CITY'S WEBSITE AT www.ci.sf.ca.us/bdsupvrs/sunshine

Lobbyist Registration and Reporting Requirements
Individuals and entities that influence or attempt to influence local legislative or administrative action may be required by the San Francisco Lobbyist Ordinance [SF Campaign & Government Code §2.100] to register and report lobbying activity. For more information about the Lobbyist Ordinance, please contact the San Francisco Ethics Commission at 30 Ness Avenue, Suite 3900, San Francisco, CA 94102; telephone (415) 581-2300; fax (415) 581-2317; webs site www.sfgov.org/ethics.

SAN FRANCISCO POLICE COMMISSION
PUBLIC MEETING/HEARING ACCESSIBILITY INFORMATION

Communication accessibility services; including sign language interpreters or computer aided real time captioning will be made available upon advance request. Please call the Police Commission Office at 553-1667 (v) or 553-9194 (tty), at least 72 hours prior to a proceeding. Late requests will be honored if possible.

A **sound enhancement system** will be available on request at the proceeding.

Meeting agendas and other print materials will be made available in alternate formats (computer disk, via email, fax, large print) upon advance request at least 72 hours prior to a proceeding. Please call the Police Commission Office at 553-1667 (v) or 553-9194 (tty). Late requests will be honored if possible.

Individuals with severe allergies, environmental illness, multiple chemical sensitivity or related disabilities should call 553-1667 to discuss meeting accessibility. In order to assist the City's efforts to accommodate such people, attendees at public meetings are reminded that other attendees may be sensitive to various chemical based products.

The proceeding will be held at City Hall, Room 400, #1 Dr. Carlton B. Goodlett Place, San Francisco. The closest accessible BART station is the Civic Center Station. For information about MUNI service, please call 311.

Accessible parking are available on Carlton Goodlett Place, Grove Street, and Van Ness Avenue.

Accessible seating for persons with disabilities and wheelchairs will be available.

For information about the meeting, please call 553-1667(v) or 553-9194 (tty).

The Police Commission

CITY AND COUNTY OF SAN FRANCISCO

THOMAS MAZZUCCO
President

DR. JOE MARSHALL
Vice President

PETRA DEJESUS
Commissioner

ANGELA CHAN
Commissioner

JAMES HAMMER
Commissioner

CAROL KINGSLEY
Commissioner

R. JAMES SLAUGHTER
Commissioner

Lieutenant Timothy Falvey
Secretary

SAN FRANCISCO POLICE COMMISSION AGENDA
REGULAR MEETING
WEDNESDAY, FEBRUARY 2, 2011
5:30 p.m.

CITY HALL, ROOM 400
#1 Dr. Carlton B. Goodlett Place
San Francisco, California

Roll Call; Pledge of Allegiance

1. **Consent Calendar** (RECEIVE & FILE; ACTION TIME)
   - Quarterly Report by the Department and the Office of Citizen Complaints regarding Policy Proposals

2. **General Public Comment**
   (The public is now welcome to address the Commission regarding items that do not appear on tonight's agenda but that are within the subject matter jurisdiction of the Commission. Speakers shall address their remarks to the Commission as a whole and not to individual Commissioners or Department or OCC personnel. Under Police Commission Rules of Order, during public comment, neither Police personnel, OCC personnel, nor Commissioners are required to respond to questions presented by the public but, may provide a brief response. Individual Commissioners and Police personnel should refrain, however, from entering into any debates or discussion with speakers during public comment. Please limit your comments to three (3) minutes.)

3. **Reports to the Commission** (DISCUSSION ONLY)
   a. Chief's Report
      - Report on crime statistics
      - Review of recent activities
      - Status report on preparation of SFPD's 2011-2012 budget
      - Status report on revision of Department General Order 5.02, "Use of Firearms"
   b. OCC Director's Report
      - Review of recent activities
      - Presentation of the OCC's 2010 Annual Report
      - Status report on preparation of OCC's 2011-2012 budget
   c. Commission Reports
      - Commission President's Report
      - Commissioners' Reports

GOVERNMENT
DOCUMENTS DEPT

JAN 31 2011

SAN FRANCISCO
PUBLIC LIBRARY

4. Request of the Chief of Police for approval to retroactively accept and expend a $178,962 Carl Moyer Grant from the Bay Area Air Quality Management District to replace the engines on the Marine 1 Police Boat (ACTION ITEM)

5. Request of the Chief of Police for approval to retroactively accept and expend a $65,000 grant from the California State Department of Boating and Waterways for a Boating Safety and Enforcement Grant to purchase equipment for the Marine Unit (ACTION ITEM)

6. **Routine Administrative Business**
   a. Commission Announcements (DISCUSSION ONLY)
   b. Scheduling of items identified for consideration at future Commission meetings (ACTION ITEM)

The Police Commission

CITY AND COUNTY OF SAN FRANCISCO
SAN FRANCISCO POLICE COMMISSION AGENDA
REGULAR MEETING
WEDNESDAY, FEBRUARY 2, 2011
5:30 p.m.

CITY HALL, ROOM 400
#1 Dr. Carlton B. Goodlett Place
San Francisco, California

THOMAS MAZZUCCO
President

DR. JOE MARSHALL
Vice President

PETRA DEJESUS
Commissioner

ANGELA CHAN
Commissioner

JAMES HAMMER
Commissioner

CAROL KINGSLEY
Commissioner

R. JAMES SLAUGHTER
Commissioner

Lieutenant Timothy Falvey
Secretary

7. Public comment on all matters pertaining to Closed Session (Item 9 below), including public comment on vote whether to hold Item 7 in closed session.

8. Vote on whether to hold Item 7 in closed session (ACTION ITEM)

9. **Closed Session – Disciplinary Cases**
   a. Pursuant to Government Code Section 54957(b)(1) and San Francisco Administrative Code Section 67.10(b) and Penal Code Section 832.7: PERSONNEL EXCEPTION: Assignment of Disciplinary Charges filed in Case No. IVF C11-023 to a Commissioner for taking of evidence on a date to be determined by the Commissioner (ACTION ITEM)
   b. Pursuant to Government Code Section 54957 and San Francisco Administrative Code Section 67.10(b) and Penal Code Section 832.7: PERSONNEL EXCEPTION: Discussion and possible action to appoint a Commissioner to monitor disciplinary Case No. ALW C08-181 currently assigned to an outside hearing officer and hearing on the Motion to Compel Discovery (ACTION ITEM)

(OPEN SESSION) Roll Call.

10. Vote to elect whether to disclose any or all discussion on Item 9 held in closed session (San Francisco Administrative Code Section 67.12(a)) (ACTION ITEM)

11. Public comment on all matters pertaining to Item 13 below, Closed Session – Public Employee Appointment: Chief of Police, including public comment on vote whether to hold Item 11 in closed session

12. Vote on whether to hold Item 13 in closed session (ACTION ITEM)

13. **Closed Session – PUBLIC EMPLOYEE APPOINTMENT: Chief of Police**
    Review and evaluation of applications submitted by candidates for Chief of Police. This item may be held in closed session under Government Code Section 54957(b) and San Francisco Administrative Code Section 67.10(b). (DISCUSSION & POSSIBLE ACTION)

(OPEN SESSION) Roll Call.

14. Vote to elect whether to disclose any or all discussion on Item 13 held in closed session (San Francisco Administrative Code Section 67.12(a)) (ACTION ITEM)

The Police Commission

CITY AND COUNTY OF SAN FRANCISCO

THOMAS MAZZUCCO
President

DR. JOE MARSHALL
Vice President

PETRA DEJESUS
Commissioner

ANGELA CHAN
Commissioner

JAMES HAMMER
Commissioner

CAROL KINGSLEY
Commissioner

R. JAMES SLAUGHTER
Commissioner

Lieutenant Timothy Falvey
Secretary

SAN FRANCISCO POLICE COMMISSION AGENDA
REGULAR MEETING
WEDNESDAY, FEBRUARY 2, 2011
5:30 p.m.

CITY HALL, ROOM 400
#1 Dr. Carlton B. Goodlett Place
San Francisco, California

15. Discussion and possible action to establish further procedures and/or timelines for selecting nominees to submit to the Mayor for Chief of Police, or to take other action related to selecting nominees for Chief of Police (DISCUSSION & POSSIBLE ACTION)

    Note – this item is included in the event the Commission wishes to discuss and take further action to establish procedures and/or timelines to select nominees to submit to the Mayor for Chief of Police, or to take other action related to selecting nominees for Chief of Police

16. **Adjournment** (ACTION ITEM)

*** SUPPORTING DOCUMENTATION FOR POLICE COMMISSION AGENDA ITEMS THAT ARE NOT CONFIDENTIAL AND DOCUMENTATION THAT HAVE BEEN DISTRIBUTED TO THE COMMISSION AFTER DISTRIBUTION OF THE AGENDA PACKETS ARE AVAILABLE FOR REVIEW AT THE POLICE COMMISSION OFFICE, THOMAS J. CAHILL HALL OF JUSTICE, 850 BRYANT STREET, ROOM 505, SAN FRANCISCO, CA 94103, DURING NORMAL BUSINESS HOURS. (415) 553-1667

FEBRUARY 2, 2011 **REGULAR MEETING**

The Police Commission of the City and County of San Francisco met in Room 400, City Hall, #1 Dr. Carlton B. Goodlett Place, San Francisco, at 5:35 p.m.

PRESENT: Commissioners Mazzucco, Marshall, Chan, Hammer, Kingsley, Slaughter
ABSENT: Commissioners DeJesus

PUBLIC COMMENT

Ray Hartz, SF Open Government, discussed mental health training and cost of training and where money may come from and suggested from police salaries, and cut back on overtime.

Gary Delagnes, POA President, addressed the Commission and talked about under staffing concerns and talked about Harvard Seminar in future of policing, and talked about Prop F and talked about concerns in providing officers for the Giants and Niner games.

Unidentified discussed concerns and stated how dangerous it is for uniformed officers to go out on the street and stated that they deserve every single dime earned.

Deborah discussed concerns about police and being accused of crimes she did not commit.

Lidia, Coalition of Homelessness, discussed concerns regarding mental health training and stated that funding be reinstated for training.

Clyde commended Chief Godown and discussed increased in homicides.

Barbara Growth discussed money problems due to increased in command staff and requested the numbers for a later meeting.

CONSENT CALENDAR

- **Quarterly Report by the Department and the Office of Citizen Complaints regarding Policy Proposals**

Commissioner Kingsley asked for an abbreviation code for next report and asked what determines A, B, and C bulletins. Sgt Mitchell explained definitions of A, B, and C priorities.

PUBLIC COMMENT

Ray Hartz discussed concerns regarding date of proposals for department general orders.

Clyde talked about transparency by the Department.

Motion by Commissioner Chan, second by Commissioner Hammer. Approved 6-0.

REPORTS TO THE COMMISSION

a. **Chief's Report**
- **Report on crime statistics**
- **Review of recent activities**
- **Status report on preparation of SFPD's 2011-2012 budget**
- **Update on status of revised Department General Order 5.02, "Use of Firearms"**

Chief Godown gave a brief update on crime statistics and stated the only increase in crime is in the homicide category.

Commissioner Hammer asked about recent homicides. Chief Godown explained some of the incidents.

Commissioner Slaughter asked of the 11 homicides how many arrest have been made. Chief Godown stated that he thinks it's three or four but will get actual numbers for the Commission.

Commissioner Hammer would also like the homicides number from last year.

GOVERNMENT DOCUMENTS DEPT

JUN - 2 2011

SAN FRANCISCO PUBLIC LIBRARY

Ms. Deborah Landis, Fiscal, presented the Department's budget for 2011-2012 budget. Key dates 2/22 submit preliminary budget to Mayor's office and will be back in two weeks to present to the commission; 6/1 budget presented to the Mayor and then to the full Board for adoption.

Commissioner Slaughter will join Commissioner Mazzucco as liaison for the budget.

Commander Mahoney presented the update on status of revised Department General Order 5.02, "Use of Firearms."

Commissioner Mazzucco stated that he will put this on the agenda in 30 days for action.

Commissioner Hammer expressed concerns as to why the Commission was not notified as this DGO is not on track for adoption.

Chief Godown stated that he will have this DGO before the Commission on March 2nd for adoption.

Director Hicks, OCC, discussed some concerns.

Commissioner Hammer asked that if the OCC does not agree, he would like to see their draft for comparison.

b. OCC Director's Report
- **Review of recent activities**
- **Presentation of the OCC's 2010 Annual Report**
- **Status report on preparation of OCC's 2011-2012budget**

Director Hicks reported on recent activities and went on to present the OCC's 2010 Annual Report.

Commissioner Mazzucco commended Director Hicks and her staff for her very detailed report and for their hard work.

Questions and comments by Commissioners Kingsley, Slaughter, Marshall, Hammer, and Chan.

Director Hicks discussed the OCC's 2011-2012 budget.

c. Commission Reports
- **Commission President's Report**
- **Commissioners' Reports**

Commissioner Mazzucco has no report.

Commissioner Kingsley reported that she had a ride along in the Bayview on Saturday night and stated that she learned a tremendous amount in terms of the Bayview District and thanked the Chief and Captain Suhr.

Commissioner Chan announced that next week will be a presentation in regards to mental health training and stated that she has talked to the mental health advocates to invite them to attend next week's meeting.

Commissioner Mazzucco also reached out to the PQA to invite the members to be part of the discussion for next week's meeting.

PUBLIC COMMENT

Ray Hartz, SF Open Government, commented in regards to the Department's budget and concerns regarding overtime that exceeds the individual's base salary and discussed DGO 5.02 and the delay to get it up to date.

Chief Godown explained about the payouts from the Department.

Mike Baronski discussed the OCC's annual report and read a passage from the bible.

Barbara Growth discussed concerns regarding PERF and recommendations to bring in all the command staff.

REQUEST OF THE CHIEF OF POLICE FOR APPROVAL TO RETROACTIVELY ACCEPT AND EXPEND A $178,962 CARL MOYER GRANT FROM THE BAY AREA AIR QUALITY MANAGEMENT DISTRICT TO REPLACE THE ENGINES ON THE MARINE 1 POLICE BOAT

and

REQUEST OF THE CHIEF OF POLICE FOR APPROVAL TO RETROACTIVELY ACCEPT AND EXPEND A $65,000 GRANT FROM THE CALIFORNIA STATE DEPARTMENT OF BOATING AND WATERWAYS FOR A BOATING SAFETY AND ENFORCEMENT GRANT TO PURCHASE EQUIPMENT FOR THE MARINE UNIT

Captain Rick Parry, Tactical, presented the two grants.

Question by Commissioner Chan.

Motion by Commissioner Kingsley, second by Commissioner Hammer. Approved 6-0.

PUBLIC COMMENT
None

RESOLUTION NO. 11-14

APPROVAL OF THE REQUEST OF THE CHIEF OF POLICE TO RETROACTIVELY ACCEPT AND EXPEND A $178,962 CARL MOYER GRANT FROM THE BAY AREA AIR QUALITY MANAGEMENT DISTRICT TO REPLACE THE ENGINES ON THE MARINE 1 POLICE BOAT

RESOLVED, that the Police Commission hereby approves the request of the Chief of Police to retroactively accept and expend a $178,962 Carl Moyer Grant from the Bay Area Air Quality Management District to replace the engines on the Marine 1 Police Boat.

AYES: Commissioners Marshall, Mazzucco, Chan, Hammer, Kingsley, Slaughter
ABSENT: Commissioner DeJesus

RESOLUTION NO. 11-15

APPROVAL OF THE REQUEST OF THE CHIEF OF POLICE TO RETROACTIVELY ACCEPT AND EXPEND A $65,000 GRANT FROM THE CALIFORNIA STATE DEPARTMENT OF BOATING AND WATERWAYS FOR A BOATING SAFETY AND ENFORCEMENT GRANT TO PURCHASE EQUIPMENT FOR THE MARINE UNIT

RESOLVED, that the Police Commission hereby approves the request of the Chief of Police to retroactively accept and expend a $65,000 grant from the California State Department of Boating and Waterways for a Boating Safety and Enforcement Grant to purchase equipment for the Marine Unit.

AYES: Commissioners Marshall, Mazzucco, Chan, Hammer, Kingsley, Slaughter
ABSENT: Commissioner DeJesus

ROUTINE ADMINISTRATIVE BUSINESS

a. **Commission Announcements**
b. **Scheduling of items identified for consideration at future Commission Meetings**

Lt. Falvey announced the dates set for non-quorum meetings in regards to the Commission's search for Chief of Police.

Commissioner Mazzucco invited the public to attend these meetings.

Commissioner Slaughter will attend the Feb. 24th meeting.

PUBLIC COMMENT
None

PUBLIC COMMENT ON ALL MATTERS PERTAINING TO CLOSED SESSION

None

VOTE ON WHETHER TO HOLD CLOSED SESSION

Motion by Commissioner Hammer, second by Commissioner Kingsley. Approved 5-0.

CLOSED SESSION (8:05 p.m. – 8:15 p.m.)

a. **PERSONNEL EXCEPTION: Assignment of Disciplinary Charges filed in Case No. IVF C11-023 to a Commissioner for taking of evidence on a date to be determined by the Commissioner** (Assigned to Commissioner Chan, Resolution No. 11-16)

(PRESENT: Commissioners Mazzucco, Marshall, Chan, Kingsley, Hammer, Slaughter, Lieutenant Falvey, Risa Tom, Deputy City Attorney M. Blits, Assistant Chief Shawyer, Commander Mahoney, Director Hicks, Attorney I. Fraenkel)

b. **PERSONNEL EXCEPTION: Discussion and possible action to appoint a Commissioner to monitor disciplinary Case No. ALW C08-181 currently assigned to an outside hearing on the Motion to Compel Discovery** (Assigned to Commissioner Mazzucco, Resolution No. 11-17)

(PRESENT: Commissioners Mazzucco, Chan, Kingsley, Hammer, Lieutenant Falvey, Risa Tom, Deputy City Attorney Blits, Assistant Chief Shawyer, Commander Mahoney, Attorney Worsham, Attorney Shea)

VOTE TO ELECT WHETHER TO DISCLOSE ANY OR ALL DISCUSSION HELD IN CLOSED SESSION

Motion by Commissioner Hammer, second by Commissioner Marshall for non disclosure. Approved 6-0.

PUBLIC COMMENT ON ALL MATTERS PERTAINING TO CLOSED SESSION – PUBLIC EMPLOYEE APPOINTMENT: CHIEF OF POLICE

None

VOTE ON WHETHER TO HOLD CLOSED SESSION

Motion by Commissioner Hammer, second by Commissioner Chan. Approved 6-0.

CLOSED SESSION (8:15 p.m. – 9:00 p.m.)

PUBLIC EMPLOYEE APPOINTMENT: Chief of Police
(PRESENT: Commissioners Mazzucco, Marshall, Chan, Kingsley, Hammer, Slaughter, Lieutenant Falvey, Risa Tom, Lt. Reilly)

VOTE TO ELECT WHETHER TO DISCLOSE ANY OR ALL DISCUSSION IN CLOSED SESSION

Motion by Commissioner Hammer, second by Commissioner Chan. Approved 6-0.

ADJOURNMENT

Motion by Commissioner Marshall, second by Commissioner Kingsley. Approved 6-0.

Thereafter, the meeting was adjourned at 9:05 p.m.

_____

Lieutenant Timothy Falvey
Secretary
San Francisco Police Commission

1071/rct

The Police Commission

CITY AND COUNTY OF SAN FRANCISCO

THOMAS MAZZUCCO
President

DR. JOE MARSHALL
Vice President

PETRA DEJESUS
Commissioner

ANGELA CHAN
Commissioner

JAMES HAMMER
Commissioner

CAROL KINGSLEY
Commissioner

R. JAMES SLAUGHTER
Commissioner

Lieutenant Timothy Falvey
Secretary

SAN FRANCISCO POLICE COMMISSION AGENDA
REGULAR MEETING
WEDNESDAY, FEBRUARY 9, 2011
5:30 p.m.

CITY HALL, ROOM 400
#1 Dr. Carlton B. Goodlett Place
San Francisco, California

GOVERNMENT
DOCUMENTS DEPT
FEB
SAN FRANCISCO
PUBLIC LIBRARY

Roll Call; Pledge of Allegiance

1. **Approval of the Minutes** (ACTION ITEM)
   - Meetings of January 5th and 12, 2011

2. **Consent Calendar** (RECEIVE & FILE; ACTION ITEM)
   - Accept gifts to the Department of the rent-free use of facilities for the Commission's community events related to the Chief of Police selection process, from the following organizations:
     - United Irish Cultural Center, valued at $900.00
     - San Francisco LGBT Community Center, valued at $240.00
     - Southeast Community Facility Commission, valued at $128.00

3. **General Public Comment**
   (The public is now welcome to address the Commission regarding items that do not appear on tonight's agenda but that are within the subject matter jurisdiction of the Commission. Speakers shall address their remarks to the Commission as a whole and not to individual Commissioners or Department or OCC personnel. Under Police Commission Rules of Order, during public comment, neither Police or OCC personnel, nor Commissioners are required to respond to questions presented by the public but, may provide a brief response. Individual Commissioners and Police and OCC personnel should refrain, however, from entering into any debates or discussion with speakers during public comment. Please limit your comments to three (3) minutes.)

4. **Reports to the Commission** (DISCUSSION ONLY)
   a. Chief's Report
      - Report on crime statistics
      - Review of recent activities
   b. OCC Director's Report
      - Review of recent activities
      - Presentation of OCC's Monthly Comprehensive Statistical Report for the periods January 1, 2011 through January 31, 2011 and January 1, 2010 through January 31, 2010
   c. Commission Reports
      - Commission President's Report
      - Commissioners' Reports

5. Discussion and possible action to adopt a plan for Police Department responses to incidents involving individuals with mental health needs (ACTION ITEM)

The Police Commission

CITY AND COUNTY OF SAN FRANCISCO

THOMAS MAZZUCCO
President

DR. JOE MARSHALL
Vice President

PETRA DEJESUS
Commissioner

ANGELA CHAN
Commissioner

JAMES HAMMER
Commissioner

CAROL KINGSLEY
Commissioner

R. JAMES SLAUGHTER
Commissioner

Lieutenant Timothy Falvey
Secretary

SAN FRANCISCO POLICE COMMISSION AGENDA
REGULAR MEETING
WEDNESDAY, FEBRUARY 9, 2011
5:30 p.m.

CITY HALL, ROOM 400
#1 Dr. Carlton B. Goodlett Place
San Francisco, California

6. **Routine Administrative Business**
   a. Commission Announcements (DISCUSSION ONLY)
   b. Scheduling of items identified for consideration at future Commission meetings (ACTION ITEM)

7. Public comment on all matters pertaining to Item 9 below, Closed Session – Disciplinary Cases, including public comment on vote whether to hold Item 9 in closed session.

8. Vote on whether to hold Item 9 in closed session (ACTION ITEM)

9. **Closed Session – Disciplinary Cases**
   a. Pursuant to Government Code Section 54957(b)(1) and San Francisco Administrative Code Section 67.10(b) and Penal Code Section 832.7:
   PERSONNEL EXCEPTION: Discussion and possible action to accept or reject stipulated agreement filed in disciplinary case no. KMO C08-137 (ACTION ITEM)
   b. Pursuant to Government Code Section 54957(b)(1) and San Francisco Administrative Code Section 67.10(b) and Penal Code Section 832.7:
   PERSONNEL EXCEPTION: Discussion and possible action to accept or reject stipulated agreement filed in disciplinary case no. SM C10-081 (ACTION ITEM)
   c. Pursuant to Government Code Section 54957(b)(1) and San Francisco Administrative Code Section 67.10(b) and Penal Code Section 832.7:
   PERSONNEL EXCEPTION: Discussion and possible action to accept or reject stipulated agreement filed in disciplinary case no. SM C10-082 (ACTION ITEM)
   d. Pursuant to Government Code Section 54957(b)(1) and San Francisco Administrative Code Section 67.10(b) and Penal Code Section 832.7:
   PERSONNEL EXCEPTION: Discussion and possible action to accept or reject stipulated agreement filed in disciplinary case no. IVF C10-060 (ACTION ITEM)

(OPEN SESSION) Roll Call.

10. Vote to elect whether to disclose any or all discussion on Item 9 held in closed session (San Francisco Administrative Code Section 67.12(a)) (ACTION ITEM)

The Police Commission

CITY AND COUNTY OF SAN FRANCISCO

THOMAS MAZZUCCO
President

DR. JOE MARSHALL
Vice President

PETRA DEJESUS
Commissioner

ANGELA CHAN
Commissioner

JAMES HAMMER
Commissioner

CAROL KINGSLEY
Commissioner

R. JAMES SLAUGHTER
Commissioner

Lieutenant Timothy Falvey
Secretary

SAN FRANCISCO POLICE COMMISSION AGENDA
REGULAR MEETING
WEDNESDAY, FEBRUARY 9, 2011
5:30 p.m.

CITY HALL, ROOM 400
#1 Dr. Carlton B. Goodlett Place
San Francisco, California

11. Public comment on all matters pertaining to Item 13 below, Closed Session – Public Employee Appointment: Chief of Police, including public comment on vote whether to hold Item 13 in closed session

12. Vote on whether to hold Item 13 in closed session (ACTION ITEM)

13. **Closed Session – PUBLIC EMPLOYEE APPOINTMENT: Chief of Police**
Review and evaluation of applications submitted by candidates for Chief of Police. This item may be held in closed session under Government Code Section 54957(b) and San Francisco Administrative Code Section 67.10(b). (DISCUSSION & POSSIBLE ACTION)

(OPEN SESSION) Roll Call.

14. Vote to elect whether to disclose any or all discussion on Item 13 held in closed session (San Francisco Administrative Code Section 67.12(a)) (ACTION ITEM)

15. Discussion and possible action to establish further procedures and/or timelines for selecting nominees to submit to the Mayor for Chief of Police, or to take other action related to selecting nominees for Chief of Police (DISCUSSION & POSSIBLE ACTION)

Note – this item is included in the event the Commission wishes to discuss and take further action to establish procedures and/or timelines to select nominees to submit to the Mayor for Chief of Police, or to take other action related to selecting nominees for Chief of Police

16. **Adjournment** (ACTION ITEM)

SUPPORTING DOCUMENTATION FOR POLICE COMMISSION AGENDA ITEMS THAT ARE NOT CONFIDENTIAL AND DOCUMENTATION THAT HAVE BEEN DISTRIBUTED TO THE COMMISSION AFTER DISTRIBUTION OF THE AGENDA PACKETS ARE AVAILABLE FOR REVIEW AT THE POLICE COMMISSION OFFICE, THOMAS J. CAHILL HALL OF JUSTICE, 850 BRYANT STREET, ROOM 505, SAN FRANCISCO, CA 94103, DURING NORMAL BUSINESS HOURS. (415) 553-1667

The Police Commission

CITY AND COUNTY OF SAN FRANCISCO

THOMAS MAZZUCCO
President

DR. JOE MARSHALL
Vice President

PETRA DEJESUS
Commissioner

ANGELA CHAN
Commissioner

JAMES HAMMER
Commissioner

CAROL KINGSLEY
Commissioner

R. JAMES SLAUGHTER
Commissioner

Lieutenant Timothy Falvey
Secretary

SAN FRANCISCO POLICE COMMISSION AGENDA

REGULAR MEETING

The Commission will hear public comment on all agenda items before or during discussion of the item.

The ringing of and use of cell phones, pagers and similar sound-producing electronic devices are prohibited at this meeting. Please be advised that the Chair may order the removal from the meeting room of any person(s) responsible for the ringing or use of a cell phone, pager, or other similar sound-producing electronic devices.

KNOW YOUR RIGHTS UNDER THE SUNSHINE ORDINANCE

(Chapter 67 of the San Francisco Administrative Code)

Government's duty is to serve the public, reaching its decisions in full view of the public.

Commissions, boards, councils, and other agencies of the City and County exist to conduct the people's business. This ordinance assures that deliberations are conducted before the people and that City operations are open to the people's review.

FOR MORE INFORMATION ON YOUR RIGHTS UNDER THE SUNSHINE ORDINANCE OR TO REPORT VIOLATION OF THE ORDINANCE, CONTACT THE SUNSHINE ORDINANCE TASK FORCE: ADMINISTRATOR, CITY HALL, ROOM 244, #1 DR. CARLTON B. GOODLETT PLACE, SAN FRANCISCO, CA 94102-4689; OFFICE (415) 554-5163. COPIES OF THE SUNSHINE ORDINANCE CAN BE OBTAINED FROM THE CLERK OF THE SUNSHINE TASK FORCE, THE SAN FRANCISCO PUBLIC LIBRARY, AND ON THE CITY'S WEBSITE AT www.ci.sf.ca.us/bdsupvrs/sunshine

Lobbyist Registration and Reporting Requirements
Individuals and entities that influence or attempt to influence local legislative or administrative action may be required by the San Francisco Lobbyist Ordinance [SF Campaign & Government Code §2.100] to register and report lobbying activity. For more information about the Lobbyist Ordinance, please contact the San Francisco Ethics Commission at 30 Ness Avenue, Suite 3900, San Francisco, CA 94102; telephone (415) 581-2300; fax (415) 581-2317; webs site www.sfgov.org/ethics.

SAN FRANCISCO POLICE COMMISSION
PUBLIC MEETING/HEARING ACCESSIBILITY INFORMATION

Communication accessibility services; including sign language interpreters or computer aided real time captioning will be made available upon advance request. Please call the Police Commission Office at 553-1667 (v) or 553-9194 (tty), at least 72 hours prior to a proceeding. Late requests will be honored if possible.

A **sound enhancement system** will be available on request at the proceeding.

Meeting agendas and other print materials will be made available in alternate formats (computer disk, via email, fax, large print) upon advance request at least 72 hours prior to a proceeding. Please call the Police Commission Office at 553-1667 (v) or 553-9194 (tty). Late requests will be honored if possible.

Individuals with severe allergies, environmental illness, multiple chemical sensitivity or related disabilities should call 553-1667 to discuss meeting accessibility. In order to assist the City's efforts to accommodate such people, attendees at public meetings are reminded that other attendees may be sensitive to various chemical based products.

The proceeding will be held at City Hall, Room 400, #1 Dr. Carlton B. Goodlett Place, San Francisco. The closest accessible BART station is the Civic Center Station. For information about MUNI service, please call 311.

Accessible parking are available on Carlton Goodlett Place, Grove Street, and Van Ness Avenue.

Accessible seating for persons with disabilities and wheelchairs will be available.

For information about the meeting, please call 553-1667(v) or 553-9194 (tty).

FEBRUARY 9, 2011 **REGULAR MEETING**

The Police Commission of the City and County of San Francisco met in Room 400, City Hall, #1 Dr. Carlton B. Goodlett Place, San Francisco, at 5:37 p.m.

PRESENT: Commissioners Mazzucco, Marshall, DeJesus, Chan, Hammer, Kingsley, Slaughter

(Commissioner DeJesus arrived at 5:45 p.m.)

DISCUSSION AND POSSIBLE ACTION TO ADOPT A PLAN FOR POLICE DEPARTMENT RESPONSES TO INCIDENTS INVOLVING INDIVIDUALS WITH MENTAL HEALTH NEEDS

Taken out of order.

Commissioner Mazzucco gave a brief explanation as to how this resolution came about.

Commissioner Hammer gave a brief overview of work done by the subcommittee.

Commissioner Chan thanked the stakeholders that are presented and went on to introduce the resolution.

Chief Godown introduced the Memphis Model experts: Dr. Randy Dupont and Major Sam Cochran who went on with their presentation.

Samara Marion, OCC, talked about the history of the recommendations regarding mental health, highlights of visit to Memphis and Los Angeles, and recommendations regarding the proposed resolution.

Mr. Gifford Boyce-Smith, MD, president of NAMI (National Alliance on Mental Illness) San Francisco Chapter, addressed the Commission and urged the Commission adopt the resolution.

Mr. Eduardo Vega, M.A., Executive Director, Mental Health Association of SF, addressed the Commission and talked about the resolution and how mentally ill individuals are thrust into the criminal process and urged the Commission adopt the resolution.

Ms. Jo Robinson, Director, Community Behavioral Health Services, Department of Public Health, stated that training of officers is extremely important and described some of the services provided to the community. She stated that evening services are very limited and stated that part of her staff will be part of the mental health working group.

Ms. Helynna Brooke, Executive Director, SF Mental Health Board, thanked the Commission and Chief Godown for bringing this issue forward and talked about training provided to officers and urged the Commission to talk to the officers about the training and to talk to the Board of Supervisors to stop cutting mental health funding.

Ms. Jennifer Johnson, Public Defender, Behavioral Health Court, talked about her clients and how the Behavioral Health Court have reduced recidivism and how it works and stated that what is needed is a resolution that will help individuals before they get the handcuffs on them and talked about what is needed to help the mentally ill.

Ms. Marykate Connor, Executive Director of Caduceus Outreach Services, thanked the Commission for moving quickly on this issue and talked about programs provided by Caduceus Outreach Services and urged the Commission to adopt the resolution.

Kevin Martin, VP POA, addressed the Commission and talked about the officers as first responders and stated that the officers have had a lot of training in regards to mental health and stated that we are all stakeholders here.

GOVERNMENT
DOCUMENTS DEPT

JUN - 2 2011

SAN FRANCISCO
PUBLIC LIBRARY

Commissioner Marshall asked Major Cochran and Dr. Dupont how this resolution will change the handling of incidents involving the mentally ill. Major Cochran stated that he cannot give the Commission absolutes and stated that the CIT program gives the officers confidence and stated that the emphasis of the training and leadership helps the officer deal with the situation.

PUBLIC COMMENT

Clyde discussed concerns as to how different Memphis is from San Francisco and concerns about funding the program.

Meesha Irizarry urged the Department to reject tasers and discussed funding.

Clay Hathaway, Deputy Public Defender, gave the Commission some examples as to the clients she deals with and how officers make decisions to escalate situations instead of de-escalating.

Mike discussed concerns that part of the presentation did not include how mentally ill individuals were not asked how they feel and asked that officers be trained.

Jane Goldman, Psychiatric Nurse, SF General Hospital, talked about past trainings provided to officers back in the 80s and talked about the psychiatric nurses do in dealing with the mentally ill individuals.

Unidentified, Chapter 16 for Californians for Disability Rights, talked about the interaction that deals and provides services to the mentally ill.

Dale, Advocacy co-chair Nami, talked about San Francisco officers and talked about cooperation within the different agencies (submitted written statement)

Sister of individual shot by SFPD and stated that her sister needed help not a bullet and stated that mentally ill individuals should be treated with dignity and asked the Commission for their support to adopt the resolution.

Jeremy addressed the Commission and thanked the Commission and Chief Godown and the Memphis team for coming and doing their presentation.

Lidia, Coalition for Homelessness, discussed concerns regarding cuts in mental health funding and asked the Commission adopt this resolution.

Jennifer, Director of Coalition on Homelessness, had some recommendations as to how to deal with the mentally ill; SFPD should fully fund 40-hour training; seek investigation regarding OIS shootings (submitted written statement).

Sonia, Oakland, stated everybody should be treated with respect and how hard it is for the homeless.

Cashman stated that the Department can learn something new by talking to the experts.

Paul, Coalition for Homelessness, talked about what is good with the resolution and how this is a good first step for community minded process.

Mom with mentally ill daughter talked about losing SF services for the mentally ill and stated that anything that helps officers coordinate with other agencies would be a good thing and stated that the mentally ill deserves respect.

Unidentified, Mental Health Director, discussed how the mentally ill can be victims of violence and talked about how officers should response in dealing with the mentally ill and stated that what is needed is a Crisis Intervention Team and talked about cultural competency.

Ali Shubert, son with psychotic breaks while teenagers, talked about how her son chased her with a knife and how that can be seen as dangerous and asked not to look at the mentally ill as hopeless and stated that the Memphis training will be an enhancement for San Francisco.

Unidentified stated that the mentally ill needs intervention.

Commissioner Mazzucco thanked Commissioners Hammer and Chan for their hard work.

Commissioner Kingsley thanked Major Cochran and Dr. Dupont for their presentation.

Commissioner DeJesus thanked Major Cochran and Dr. Dupont, the Commissioners, the Chief, and the stakeholders for their presentation.

Commissioner Slaughter thanked the community for their comments, especially the moms who commented, and thanked the Commissioners for their work and thanked Dr. Dupont and Major Cochran.

Commissioner Hammer thanked Dr. Dupont and Major Cochran for their presentation.

Chief Godown stated that all officers should be trained.

Motion by Commissioner Hammer, second by Commissioner Chan to adopt the Memphis model and the resolution. Approved 7-0.

RESOLUTION NO. 11-18

ADOPTION OF RESOLUTION TO ENHANCE THE SAN FRANCISCO POLICE DEPARTMENT'S RESPONSE TO INCIDENTS INVOLVING INDIVIDUALS WITH MENTAL HEALTH NEEDS

WHEREAS, San Francisco has a significant population with mental health needs; and,

WHEREAS, the San Francisco Police Department ("Department" or "SFPD") responds to a high volume of incidents involving individuals with mental health needs; and,

WHEREAS, the Department wishes to develop training and programs to assist in responding to incidents involving individuals with mental health needs, for the safety of those with mental illnesses, the public and officers; now

THEREFORE BE IT RESOLVED, that the San Francisco Police Department shall develop a specialized Crisis Intervention Team ("CIT"). To be eligible for the CIT, officers must have received at least forty hours of mental health crisis response training, which shall include, among other things, information about understanding mental illness, officer safety and de-escalation tactics. CIT officers must attend thereafter advanced mental health crisis response training every two years. The Department shall deploy CIT members when feasible as first responders to incidents involving mentally ill persons in crisis (as co-responders with mental health professionals if so recommended by SFPD and the mental health working group, and provided that the response time to the scene is not impacted by dispatch of mental health professionals). The Department shall make reasonable efforts to ensure that the CIT includes at least 20-25% of the patrol division, and shall ensure that CIT members wear a badge that identifies them as CIT officers. CIT members shall perform their regular duties as patrol officers until they are dispatched for a mental health crisis call; and be it;

FURTHER RESOLVED, that the Chief of Police will in consultation with the mental health working group described below designate a member of the SFPD as a Crisis Intervention Team Coordinator ("CIT Coordinator"). The CIT Coordinator's responsibilities shall include implementing the CIT program; overseeing CIT training; developing and maintaining partnerships with mental health providers, mental health consumers and their families, and mental health advocates; participating in designing and conducting CIT officer application and selection process; conducting data collection and program evaluation; promoting the CIT program within the Department and with the public; and reporting to the Chief and Command Staff about SFPD's responses to mental health crisis incidents; and be it;

FURTHER RESOLVED, that the CIT Coordinator will work with the Office of Citizen Complaints, stakeholders and subject matter experts (hereinafter, "mental health working group") to develop recommendations for the Department's policies and procedures for police interactions with mentally ill persons in crisis, including the Department's philosophy statement, CIT, data collection, training curriculum, revisions to Department General Orders, and the role and responsibilities of the CIT Coordinator. The CIT Coordinator will reach out to and invite the Department of Public Health and other mental health stakeholders to participate in the mental health working group. The CIT Coordinator will work to ensure that decisions by the working group are made in collaborative manner and through a fair process. The mental health working group shall

invite the Department of Emergency Management to work with the group to develop emergency communication and dispatch protocols related to incidents involving individuals with mental illness, subject to final approval by the Department of Emergency Management; and, be it;

FURTHER RESOLVED, that the CIT Coordinator will collaborate with the mental health working group and staff of the Police Academy to develop and provide (1) at least sixteen hours of introductory mental health crisis response training for all officers; (2) a minimum of forty hours advanced mental health crisis response training for new CIT officers; (3) additional mental health crisis response training for CIT officers every two years after the initial training. Both the introductory and advanced mental health crisis response training will include tactical strategies for encounters with mentally ill individuals who may have a bladed or other type of weapon; and, be it;

FURTHER RESOLVED, that the CIT Coordinator will collaborate with the mental health working group and staff at the Police Academy to recommend field supervision training for CIT officers so that CIT officers effectively assume a supervisory role at an incident involving an individual in mental health crisis, devise – whenever feasible – sound tactical and strategic plans before action is taken, and direct the actions of involved officers; and, be it;

FURTHER RESOLVED, that the CIT Coordinator will collaborate with the mental health.working group and the Department of Emergency Management to design recommended emergency communication and dispatch procedures and training for Department of Emergency Management personnel to identify mental health crisis calls and dispatch a CIT officer to the scene as soon as possible; and be it;

FURTHER RESOLVED, that SFPD and the mental health working group shall research funding opportunities for creating a System wide Mental Assessment Response Team ("SMART") which would serve as a co-responder to mental health crisis calls, including a team of mental health care professionals and trained CIT officers; and be it;

FURTHER RESOLVED, that the CIT Coordinator and the mental health working group will develop and submit to the San Francisco Police Commission recommended revisions to Department General Orders 8.02 (Hostage and Barricaded Suspect Incidents), 8.01 (Critical Incidents), 6.14 (Psychological Evaluation of Adults), 7.02 (Psychological Evaluation of Juveniles) and any other relevant Department General Orders to include the Department's philosophy and procedures for handling encounters with mentally ill persons in crisis; and, be it;

FURTHER RESOLVED, that the Chief's designee and the Behavioral Sciences Unit will convene a taskforce to make recommendations for identifying and addressing the mental health impact of officer involved shootings or other use of force incidents on member of the Department and for ensuring appropriate services to impacted officers; and, be it;

FURTHER RESOLVED, that the SFPD and the mental health working group shall design a data collection system to review and evaluate mental health crisis calls and SFPD's responses to such incidents on a quarterly basis. The CIT Coordinator in consultation with the mental health working group shall review, evaluate, and make recommendations to the Chief and Command Staff concerning mental health crisis incidents and SFPD's responses to such incidents on a quarterly basis; and, be it;

FURTHER RESOLVED, that the CIT Coordinator and a representative from the mental health working group shall provide to the San Francisco Police Commission within one month of the adoption of this resolution the plan for implementing the above resolutions with a six month timeline; and be it;

FURTHER RESOLVED, beginning two months after adoption of this resolution, that the CIT Coordinator and a representative from the mental health working group shall provide a report to the San Francisco Police Commission on the second Wednesday of each month for one year regarding the progress made toward implementing the above resolutions; and, be it;

FURTHER RESOLVED, that within one year from adoption of this resolution, and every year thereafter, the Department shall provide a report to the Police Commission that includes 1)the number and location of calls for service involving mentally ill individuals in crisis; 2) the type of response (e.g. CIT officer, non-CIT officer, CIT officer and mental health professional); 3) the disposition of the call (arrest, 5150 detention, no police actions, referral for services); 4) whether or not force was used; 5) injuries (officer, detainee, other); 6) complaints, commendations and/or legal actions arising from the incident; 7) the status of all mental health crisis response training (i.e. introductory CIT 16-hour course, advanced CIT 40-hour, advanced CIT training every two years, roll call, advanced officer and field training), and, 8) recommendations to enhance SFPD's response to incidents involving mentally ill individuals. This report shall be a public document that is posted on the Police Department and Police Commission's website and provided to the Office of Citizen Complaints two weeks before its presentation to the Police Commission; and, be it:

FURTHER RESOLVED, that the Chief of Police will report back to the Police Commission in 30 days with any recommended changes to this resolution.

AYES: Commissioners Mazzucco, Marshall, DeJesus, Chan, Hammer, Kingsley, Slaughter

PUBLIC COMMENT ON ALL MATTERS PERTAINING TO CLOSED SESSION

None

VOTE ON WHETHER TO HOLD CLOSED SESSION

Motion by Commissioner Hammer, second by Commissioner Kingsley. Approved 5-0.

CLOSED SESSION (9:15 - 9:20 p.m.) Taken out of order

a. **PERSONNEL EXCEPTION: Discussion and possible action to accept or reject stipulated agreement filed in disciplinary case no. KMO C08-137**
(Resolution No. 11-19)

(PRESENT: Commissioners Mazzucco, Marshall, DeJesus, Chan, Kingsley, Hammer, Slaughter, Lieutenant Falvey, Risa Tom, Deputy City Attorney M. Blits, Chief Godown, Director Hicks, Attorney I. Fraenkel, Attorney Hinckley, Attorney Lassart, Attorney Alden) Chief Godown agreed with the stipulation.

Motion by Commissioner Slaughter, second by Commissioner Mazzucco to accept stipulated agreement. Approved 7-0

b. **PERSONNEL EXCEPTION: Discussion and possible action to accept or reject stipulated agreement filed in disciplinary case no. SM C10-081**
(Resolution No. 11-20)

(PRESENT: Commissioners Mazzucco, Marshall, DeJesus, Chan, Kingsley, Hammer, Slaughter, Lieutenant Falvey, Risa Tom, Deputy City Attorney M. Blits, Chief Godown, Director Hicks, Attorney I. Fraenkel, Attorney Hinckley, Attorney Alden) Chief Godown agreed with the stipulation.

Motion by Commissioner Marshall, second by Commissioner Slaughter to accept stipulated agreement. Approved 7-0

c. **PERSONNEL EXCEPTION: Discussion and possible action to accept or reject stipulated agreement filed in disciplinary case no. SM C10-082**
(Resolution No. 11-21)

(PRESENT: Commissioners Mazzucco, Marshall, DeJesus, Chan, Kingsley, Hammer, Slaughter, Lieutenant Falvey, Risa Tom, Deputy City Attorney M. Blits, Chief Godown, Director Hicks, Attorney I. Fraenkel, Attorney Hinckley, Attorney Alden) Chief Godown agreed with the stipulation.

Motion by Commissioner Marshall, second by Commissioner Slaughter to accept stipulated agreement. Approved 7-0

d. **PERSONNEL EXCEPTION: Discussion and possible action to accept or reject stipulated agreement filed in disciplinary case no. IVF C10-082**
(Resolution No. 11-22)

(PRESENT: Commissioners Mazzucco, Marshall, DeJesus, Chan, Kingsley, Hammer, Slaughter, Lieutenant Falvey, Risa Tom, Deputy City Attorney M. Blits, Chief Godown, Director Hicks, Attorney I. Fraenkel, Attorney Hinckley, Attorney Alden) Chief Godown agreed with the stipulation.

Motion by Commissioner Mazzucco, second by Commissioner Kingsley to accept stipulated agreement. Approved 7-0

(VOTE TO ELECT WHETHER TO DISCLOSE ANY OR ALL DISCUSSION HELD IN CLOSED SESSION

Motion by Commissioner Mazzucco, second by Commissioner Hammer for non disclosure. Approved 7-0

APPROVAL OF THE MINUTES

- **Meetings of January 5th and 12, 2011**

Motion by Commissioner Marshall, second by Commissioner Hammer. Approved 7-0.

CONSENT CALENDAR

- **Accepts gifts to the Department of the rent-free use of facilities for the Commission's community events related to the Chief of Police selection process, from the following organizations:**
  - **United Irish Cultural Center, valued at $900.00**
  - **San Francisco LGBT Community Center, valued at $240.00**
  - **Southeast Community Facility Commission, valued at $128.00**

Motion by Commissioner Kingsley, second by Commissioner Mazzucco. Approved 7-0.

PUBLIC COMMENT

None

REPORTS TO THE COMMISSION

a. **Chief's Report**
- **Report on crime statistics**
- **Review of recent activities**

Chief Godown gave a brief update on crime statistics.

b. **OCC Director's Report**
- **Review of recent activities**
- **Presentation of the OCC's Monthly comprehensive Statistical Report for the periods January 1, 2011 through January 31, 2011 and January 1, 2010 through January 31, 2010**

No report.

c. **Commission Reports**
- **Commission President's Report**
- **Commissioners' Reports**

Commissioner Mazzucco reported that he met with the Mayor in regards to budget and stated that the Mayor will look at everything and stated that the Mayor's biggest concern is public safety and the second thing is the selection of the new Chief.

PUBLIC COMMENT

None

ROUTINE ADMINISTRATIVE BUSINESS

a. Commission Announcements

Lt. Falvey announced the schedule for meetings in regards to search of new Chief of Police. Schedule is posted on the website.

b. Scheduling of items identified for consideration at future Commission Meetings

None

PUBLIC COMMENT ON ALL MATTERS PERTAINING TO CLOSED SESSION – PUBLIC EMPLOEE APPOINTMENT: CHIEF OF POLICE

None

VOTE ON WHETHER TO HOLD CLOSED SESSION

Motion by Commissioner Marshall, second by Commissioner Mazzucco. Approved 7-0.

CLOSED SESSION - Public Employee Appointment: Chief of Police
Review and evaluation of applications submitted by candidates for Chief of Police.

(Present: Commissioners Mazzucco, Marshall, DeJesus, Chan, Kingsley, Hammer, Slaughter, Lieutenant Reilly, Lieutenant Falvey, Risa Tom)

VOTE TO ELECT WHETHER TO DISCLOSE ANY OR ALL DISCUSSION HELD IN CLOSED SESSION

Motion by Commissioner Marshall, second by Commissioner Mazzucco for non disclosure. Approved 7-0.

DISCUSSION AND POSSIBLE ACTION TO ESTABLISH FURTHER PROCEDURES AND/OR TIMELINES FOR SELECTING NOMINEES TO SUBMIT TO THE MAYOR FOR CHIEF OF POLICE, OR TO TAKE OTHER ACTION RELATED TO SELECTING NOMINEES FOR CHIEF OF POLICE

None

ADJOURNMENT

Motion by Commissioner Slaughter, second by Commissioner Mazzucco. Approved 7-0.

Thereafter, the meeting was adjourned at 10:11 p.m.

_____

Lieutenant Timothy Falvey
Secretary
San Francisco Police Commission

1071/rct

GOVERNMENT
DOCUMENTS DEPT

FEB 11 2011

SAN FRANCISCO
PUBLIC LIBRARY

The Police Commission

CITY AND COUNTY OF SAN FRANCISCO

THOMAS MAZZUCCO
President

DR. JOE MARSHALL
Vice President

PETRA DEJESUS
Commissioner

ANGELA CHAN
Commissioner

JAMES HAMMER
Commissioner

CAROL KINGSLEY
Commissioner

R. JAMES SLAUGHTER
Commissioner

Lieutenant Timothy Falvey
Secretary

SAN FRANCISCO POLICE COMMISSION AGENDA
SPECIAL MEETING
MONDAY, FEBRUARY 14, 2011
12:00 p.m.

CITY HALL, ROOM 400
#1 Dr. Carlton B. Goodlett Place
San Francisco, California

Roll Call; Pledge of Allegiance

1. **General Public Comment**
(The public is now welcome to address the Commission regarding items that do not appear on tonight's agenda but that are within the subject matter jurisdiction of the Commission. Speakers shall address their remarks to the Commission as a whole and not to individual Commissioners or Department or OCC personnel. Under Police Commission Rules of Order, during public comment, neither Police or OCC personnel, nor Commissioners are required to respond to questions presented by the public but, may provide a brief response. Individual Commissioners and Police and OCC personnel should refrain, however, from entering into any debates or discussion with speakers during public comment. Please limit your comments to three (3) minutes.)

2. Public comment on all matters pertaining to Item 4 below, Closed Session – Public Employee Appointment: Chief of Police, including public comment on vote whether to hold Item 4 in closed session

3. Vote on whether to hold Item 4 in closed session (ACTION ITEM)

4. **Closed Session – PUBLIC EMPLOYEE APPOINTMENT: Chief of Police**
Review and evaluation of applications submitted by candidates for Chief of Police. This item may be held in closed session under Government Code Section 54957(b) and San Francisco Administrative Code Section 67.10(b). (DISCUSSION & POSSIBLE ACTION)

(OPEN SESSION) Roll Call.

5. Vote to elect whether to disclose any or all discussion on Item4 held in closed session (San Francisco Administrative Code Section 67.12(a)) (ACTION ITEM)

6. Discussion and possible action to establish further procedures and/or timelines for selecting nominees to submit to the Mayor for Chief of Police, or to take other action related to selecting nominees for Chief of Police (DISCUSSION & POSSIBLE ACTION)

   Note – this item is included in the event the Commission wishes to discuss and take further action to establish procedures and/or timelines to select nominees to submit to the Mayor for Chief of Police, or to take other action related to selecting nominees for Chief of Police

7. **Adjournment** (ACTION ITEM)

SUPPORTING DOCUMENTATION FOR POLICE COMMISSION AGENDA ITEMS THAT ARE NOT CONFIDENTIAL AND DOCUMENTATION THAT HAVE BEEN DISTRIBUTED TO THE COMMISSION AFTER DISTRIBUTION OF THE AGENDA PACKETS ARE AVAILABLE FOR REVIEW AT THE POLICE COMMISSION OFFICE, THOMAS J. CAHILL HALL OF JUSTICE, 850 BRYANT STREET, ROOM 505, SAN FRANCISCO, CA 94103, DURING NORMAL BUSINESS HOURS. (415) 553-1667

The Police Commission

CITY AND COUNTY OF SAN FRANCISCO

THOMAS MAZZUCCO
President

DR. JOE MARSHALL
Vice President

PETRA DEJESUS
Commissioner

ANGELA CHAN
Commissioner

JAMES HAMMER
Commissioner

CAROL KINGSLEY
Commissioner

R. JAMES SLAUGHTER
Commissioner

Lieutenant Timothy Falvey
Secretary

SAN FRANCISCO POLICE COMMISSION AGENDA

REGULAR MEETING

The Commission will hear public comment on all agenda items before or during discussion of the item.

The ringing of and use of cell phones, pagers and similar sound-producing electronic devices are prohibited at this meeting. Please be advised that the Chair may order the removal from the meeting room of any person(s) responsible for the ringing or use of a cell phone, pager, or other similar sound-producing electronic devices.

KNOW YOUR RIGHTS UNDER THE SUNSHINE ORDINANCE

(Chapter 67 of the San Francisco Administrative Code)

Government's duty is to serve the public, reaching its decisions in full view of the public.

Commissions, boards, councils, and other agencies of the City and County exist to conduct the people's business. This ordinance assures that deliberations are conducted before the people and that City operations are open to the people's review.

FOR MORE INFORMATION ON YOUR RIGHTS UNDER THE SUNSHINE ORDINANCE OR TO REPORT VIOLATION OF THE ORDINANCE, CONTACT THE SUNSHINE ORDINANCE TASK FORCE: ADMINISTRATOR, CITY HALL, ROOM 244, #1 DR. CARLTON B. GOODLETT PLACE, SAN FRANCISCO, CA 94102-4689; OFFICE (415) 554-5163. COPIES OF THE SUNSHINE ORDINANCE CAN BE OBTAINED FROM THE CLERK OF THE SUNSHINE TASK FORCE, THE SAN FRANCISCO PUBLIC LIBRARY, AND ON THE CITY'S WEBSITE AT www.ci.sf.ca.us/bdsupvrs/sunshine

Lobbyist Registration and Reporting Requirements
Individuals and entities that influence or attempt to influence local legislative or administrative action may be required by the San Francisco Lobbyist Ordinance [SF Campaign & Government Code §2.100] to register and report lobbying activity. For more information about the Lobbyist Ordinance, please contact the San Francisco Ethics Commission at 30[illegible] Ness Avenue, Suite 3900, San Francisco, CA 94102; telephone (415) 581-2300; fax (415) 581-2317; website www.sfgov.org/ethics.

SAN FRANCISCO POLICE COMMISSION
PUBLIC MEETING/HEARING ACCESSIBILITY INFORMATION

Communication accessibility services; including sign language interpreters or computer-aided real time captioning will be made available upon advance request. Please call the Police Commission Office at 553-1667 (v) or 553-9194 (tty), at least 72 hours prior to a proceeding. Late requests will be honored if possible.

A **sound enhancement system** will be available on request at the proceeding.

Meeting agendas and other print materials will be made available in alternate formats (computer disk, via email, fax, large print) upon advance request at least 72 hours prior to a proceeding. Please call the Police Commission Office at 553-1667 (v) or 553-9194 (tty). Late requests will be honored if possible.

Individuals with severe allergies, environmental illness, multiple chemical sensitivity or related disabilities should call 553-1667 to discuss meeting accessibility. In order to assist the City's efforts to accommodate such people, attendees at public meetings are reminded that other attendees may be sensitive to various chemical based products.

The proceeding will be held at City Hall, Room 400, #1 Dr. Carlton B. Goodlett Place, San Francisco. The closest accessible BART station is the Civic Center Station. For information about MUNI service, please call 311.

Accessible parking are available on Carlton Goodlett Place, Grove Street, and Van Ness Avenue.

Accessible seating for persons with disabilities and wheelchairs will be available.

For information about the meeting, please call 553-1667(v) or 553-9194 (tty).

GOVERNMENT
DOCUMENTS DEPT

FEB 11 2011

SAN FRANCISCO
PUBLIC LIBRARY

The Police Commission

CITY AND COUNTY OF SAN FRANCISCO

THOMAS MAZZUCCO
President

DR. JOE MARSHALL
Vice President

PETRA DEJESUS
Commissioner

ANGELA CHAN
Commissioner

JAMES HAMMER
Commissioner

CAROL KINGSLEY
Commissioner

R. JAMES SLAUGHTER
Commissioner

Lieutenant Timothy Falvey
Secretary

SAN FRANCISCO POLICE COMMISSION AGENDA
REGULAR MEETING
WEDNESDAY, FEBRUARY 16, 2011
5:30 p.m.

CITY HALL, ROOM 400
#1 Dr. Carlton B. Goodlett Place
San Francisco, California

Roll Call; Pledge of Allegiance

1. **General Public Comment**
(The public is now welcome to address the Commission regarding items that do not appear on tonight's agenda but that are within the subject matter jurisdiction of the Commission. Speakers shall address their remarks to the Commission as a whole and not to individual Commissioners or Department or OCC personnel. Under Police Commission Rules of Order, during public comment, neither Police or OCC personnel, nor Commissioners are required to respond to questions presented by the public but, may provide a brief response. Individual Commissioners and Police and OCC personnel should refrain, however, from entering into any debates or discussion with speakers during public comment. Please limit your comments to three (3) minutes.)

2. Status report on preparation of SFPD's 2011-2012 budget, possible action to provide instruction to the Department or take other action on the budget (DISCUSSION AND POSSIBLE ACTION)

3. OCC Director's Report
   - Status report on preparation of OCC's 2011-2012 budget possible action to provide instruction to the Department or take other action on the budget (DISCUSSION AND POSSIBLE ACTION)
   - Consent Item (RECEIVE & FILE; ACTION ITEM)
     - 2010 First Amendment Compliance Audit of SFPD Records pursuant to Department General Order 8.10

4. Assignment of Disciplinary Charges filed against Assistant Patrol Special Officer Ernest Tachihara, Case No. ALW C11-036 to a Commissioner for taking of evidence on a date to be determined by the Commissioner (ACTION ITEM)

5. Commission Announcements (DISCUSSION ONLY)

6. Public comment on all matters pertaining to Item 8 below, Closed Session – Disciplinary Cases, including public comment on vote whether to hold Item8 in closed session.

7. Vote on whether to hold Item 8 in closed session (ACTION ITEM)

8. **Closed Session – Disciplinary Cases**
   a. Pursuant to Government Code Section 54957(b)(1) and San Francisco Administrative Code Section 67.10(b) and Penal Code Section 832.7:
   PERSONNEL EXCEPTION: Assignment of Disciplinary Charges filed in Case No. IVF C11-024 to a Commissioner for taking of evidence on a date to be determined by the Commissioner (ACTION ITEM)

THOMAS J. CAHILL HALL OF JUSTICE, 850 BRYANT ST., RM. 505, SAN FRANCISCO, CA 94103-4603 (415) 553-1667 FAX (415) 553-1669

The Police Commission

CITY AND COUNTY OF SAN FRANCISCO

THOMAS MAZZUCCO
President

DR. JOE MARSHALL
Vice President

PETRA DEJESUS
Commissioner

ANGELA CHAN
Commissioner

JAMES HAMMER
Commissioner

CAROL KINGSLEY
Commissioner

R. JAMES SLAUGHTER
Commissioner

Lieutenant Timothy Falvey
Secretary

SAN FRANCISCO POLICE COMMISSION AGENDA
REGULAR MEETING
WEDNESDAY, FEBRUARY 16, 2011
5:30 p.m.

CITY HALL, ROOM 400
#1 Dr. Carlton B. Goodlett Place
San Francisco, California

8. **Closed Session – Disciplinary Cases** continued:

   b. Pursuant to Government Code Section 54957(b)(1) and San Francisco Administrative Code Section 67.10(b) and Penal Code Section 832.7:
   PERSONNEL EXCEPTION: Discussion and possible action to issue Police Commission subpoenas in the matter of Case No. KMO C10-032 (ACTION ITEM)

   c. Pursuant to Government Code Section 54957(b)(1) and San Francisco Administrative Code Section 67.10(b) and Penal Code Section 832.7:
   PERSONNEL EXCEPTION: Discussion and possible action to accept or reject stipulated agreement filed in disciplinary case no. JWA C10-042(ACTION ITEM)

   d. Pursuant to Government Code Section 54957(b)(1) and San Francisco Administrative Code Section 67.10(b) and Penal Code Section 832.7:
   PERSONNEL EXCEPTION: Discussion and possible to sustain or not sustain disciplinary charges filed in case no. IVF C09-143, and if sustained, decide penalty (ACTION ITEM)

   e. Pursuant to Government Code Section 54957(b)(1) and San Francisco Administrative Code Section 67.10(b) and Penal Code Section 832.7:
   PERSONNEL EXCEPTION: Status and calendaring of pending disciplinary cases

(OPEN SESSION) Roll Call.

9. Vote to elect whether to disclose any or all discussion on Item 8 held in closed session (San Francisco Administrative Code Section 67.12(a)) (ACTION ITEM)

10. Discussion and possible action to grant or deny Motions for Dismissal of Disciplinary Charges filed against Officer Wendy Hurley, Case No. JCT C06-187; decision to sustain or not sustain disciplinary charges, if necessary; decision to decide penalty, if necessary (ACTION ITEM)

The Police Commission

CITY AND COUNTY OF SAN FRANCISCO

THOMAS MAZZUCCO
President

DR. JOE MARSHALL
Vice President

PETRA DEJESUS
Commissioner

ANGELA CHAN
Commissioner

JAMES HAMMER
Commissioner

CAROL KINGSLEY
Commissioner

R. JAMES SLAUGHTER
Commissioner

Lieutenant Timothy Falvey
Secretary

SAN FRANCISCO POLICE COMMISSION AGENDA
REGULAR MEETING
WEDNESDAY, FEBRUARY 16, 2011
5:30 p.m.

CITY HALL, ROOM 400
#1 Dr. Carlton B. Goodlett Place
San Francisco, California

The Commission may decide to consider Item 10, in whole or in part, in Closed Session pursuant to Government Code section 54957(b)(1) and S.F. Administrative Code Section 67.10(b).

a. Public Comment on all matters pertaining to Item 10, including public comment on whether the Commission should hold Item 10 in closed session, in whole or in part
b. Vote on closed session (ACTION)
   i. Vote whether to hold argument by the parties in closed session
   ii. Vote whether to hold Commission deliberations in closed session
c. Hearing and deliberation on Item 10, in open or closed session per the Commission's vote (DISCUSSION & POSSIBLE ACTION)
d. If closed session is held, reconvene in open session:
   i. Report any action taken in closed session as specified in Government Code section 59457.1 and S.F. Administrative Code section 67.12(b).
   ii. Vote to elect to disclose any or all discussions held in closed session pursuant to S.F. Administrative Code 67.12(a) (ACTION)

11. Discussion and possible action to grant or deny Motions for Dismissal of Disciplinary Charges filed against Officer James Lewis, Case No. JCT C06-186; decision to sustain or not sustain disciplinary charges, if necessary; decision to decide penalty, if necessary (ACTION ITEM)

The Commission may decide to consider Item 11, in whole or in part, in Closed Session pursuant to Government Code section 54957(b)(1) and S.F. Administrative Code Section 67.10(b).

a. Public Comment on all matters pertaining to Item 11, including public comment on whether the Commission should hold Item 11 in closed session, in whole or in part
b. Vote on closed session (ACTION)
   i. Vote whether to hold argument by the parties in closed session
   ii. Vote whether to hold Commission deliberations in closed session
c. Hearing and deliberation on Item 10, in open or closed session per the Commission's vote (DISCUSSION & POSSIBLE ACTION)
d. If closed session is held, reconvene in open session:
   i. Report any action taken in closed session as specified in Government Code section 59457.1 and S.F. Administrative Code section 67.12(b).
   ii. Vote to elect to disclose any or all discussions held in closed session pursuant to S.F. Administrative Code 67.12(a) (ACTION)

12. **Adjournment** (ACTION ITEM)

SUPPORTING DOCUMENTATION FOR POLICE COMMISSION AGENDA ITEMS THAT ARE NOT CONFIDENTIAL AND DOCUMENTATION THAT HAVE BEEN DISTRIBUTED TO THE COMMISSION AFTER DISTRIBUTION OF THE AGENDA PACKETS ARE AVAILABLE FOR REVIEW AT THE POLICE COMMISSION OFFICE, THOMAS J. CAHILL HALL OF JUSTICE, 850 BRYANT STREET, ROOM 505, SAN FRANCISCO, CA 94103, DURING NORMAL BUSINESS HOURS. (415) 553-1667

The Police Commission

CITY AND COUNTY OF SAN FRANCISCO

THOMAS MAZZUCCO
President

DR. JOE MARSHALL
Vice President

PETRA DEJESUS
Commissioner

ANGELA CHAN
Commissioner

JAMES HAMMER
Commissioner

CAROL KINGSLEY
Commissioner

R. JAMES SLAUGHTER
Commissioner

Lieutenant Timothy Falvey
Secretary

SAN FRANCISCO POLICE COMMISSION AGENDA

REGULAR MEETING

The Commission will hear public comment on all agenda items before or during discussion of the item.

The ringing of and use of cell phones, pagers and similar sound-producing electronic devices are prohibited at this meeting. Please be advised that the Chair may order the removal from the meeting room of any person(s) responsible for the ringing or use of a cell phone, pager, or other similar sound-producing electronic devices.

KNOW YOUR RIGHTS UNDER THE SUNSHINE ORDINANCE

(Chapter 67 of the San Francisco Administrative Code)

Government's duty is to serve the public, reaching its decisions in full view of the public.

Commissions, boards, councils, and other agencies of the City and County exist to conduct the people's business. This ordinance assures that deliberations are conducted before the people and that City operations are open to the people's review.

FOR MORE INFORMATION ON YOUR RIGHTS UNDER THE SUNSHINE ORDINANCE OR TO REPORT VIOLATION OF THE ORDINANCE, CONTACT THE SUNSHINE ORDINANCE TASK FORCE: ADMINISTRATOR, CITY HALL, ROOM 244, #1 DR. CARLTON B. GOODLETT PLACE, SAN FRANCISCO, CA 94102-4689; OFFICE (415) 554-5163. COPIES OF THE SUNSHINE ORDINANCE CAN BE OBTAINED FROM THE CLERK OF THE SUNSHINE TASK FORCE, THE SAN FRANCISCO PUBLIC LIBRARY, AND ON THE CITY'S WEBSITE AT www.ci.sf.ca.us/bdsupvrs/sunshine

Lobbyist Registration and Reporting Requirements
Individuals and entities that influence or attempt to influence local legislative or administrative action may be required by the San Francisco Lobbyist Ordinance [SF Campaign & Government Code §2.100] to register and report lobbying activity. For more information about the Lobbyist Ordinance, please contact the San Francisco Ethics Commission at 30 Ness Avenue, Suite 3900, San Francisco, CA 94102; telephone (415) 581-2300; fax (415) 581-2317; webs site www.sfgov.org/ethics.

SAN FRANCISCO POLICE COMMISSION
PUBLIC MEETING/HEARING ACCESSIBILITY INFORMATION

Communication accessibility services; including sign language interpreters or computer aided real time captioning will be made available upon advance request. Please call the Police Commission Office at 553-1667 (v) or 553-9194 (tty), at least 72 hours prior to a proceeding. Late requests will be honored if possible.

A **sound enhancement system** will be available on request at the proceeding.

Meeting agendas and other print materials will be made available in alternate formats (computer disk, via email, fax, large print) upon advance request at least 72 hours prior to a proceeding. Please call the Police Commission Office at 553-1667 (v) or 553-9194 (tty). Late requests will be honored if possible.

Individuals with severe allergies, environmental illness, multiple chemical sensitivity or related disabilities should call 553-1667 to discuss meeting accessibility. In order to assist the City's efforts to accommodate such people, attendees at public meetings are reminded that other attendees may be sensitive to various chemical based products.

The proceeding will be held at City Hall, Room 400, #1 Dr. Carlton B. Goodlett Place, San Francisco. The closest accessible BART station is the Civic Center Station. For information about MUNI service, please call 311.

Accessible parking are available on Carlton Goodlett Place, Grove Street, and Van Ness Avenue.

Accessible seating for persons with disabilities and wheelchairs will be available.

For information about the meeting, please call 553-1667(v) or 553-9194 (tty).

FEBRUARY 16, 2011 REGULAR MEETING

The Police Commission of the City and County of San Francisco met in Room 400, City Hall, #1 Dr. Carlton B. Goodlett Place, San Francisco, at 5:40 p.m.

PRESENT: Commissioners Marshall, DeJesus, Chan, Hammer, Kingsley, Slaughter
ABSENT: Commissioner Mazzucco

PUBLIC COMMENT

Emil Lawrence discussed concerns regarding police officers pay as a growing problem on the budget. (Documents presented)

Mr. Harrison discussed concerns regarding the homicide of Charles Harrison and asked for an update from the department.

Commissioner Marshall stated that he had spoken with the Chief in regards to the homicide and that he will speak to Mr. Harrison at a later time.

Clyde stated that DA Gascon took a pay cut to be district attorney.

Jim Spitelli, business on border of Tenderloin and Central, discussed concerns regarding police enforcement over jurisdictional lines.

STATUS REPORT ON PREPARATION OF SFPD 2011-2012 BUDGET

Deborah Landis presented the status report on the preparation of the SFPD 2011-2012 budget.

Commissioner Chan stated that she is not ready to vote on the budget and would like to put it over and stated that language access is a huge concern for her and how much money is allocated for it and would like an explanation when the budget is presented again.

Commissioner DeJesus would like an explanation on the cost for mental health training and would like specific information in regards to attrition and cost for tasers.

Commissioner Kingsley stated that the Commission supports the Department in its budget efforts.

Commissioner Slaughter asked about the CIT resolution adopted last week and the budget impact.

Chief Godown stated that the Department has not budgeted anything for tasers or for training and stated that the cost per day for the mental health training is $8,000 and that the department will not pay for that amount of money and that is the reason that the funds ran out. Chief Godown stated that the Department will come back with a line-by-line explanation of the budget.

PUBLIC COMMENT

Emil Lawrence discussed concerns regarding the budget and police pensions.
Barbara Growth discussed concerns.
Clyde discussed concerns.
Michael Murowski discussed concerns.

OCC DIRECTOR'S REPORT

- **Status report on preparation of OCC's 2011-2012 budget**

Director Hicks presented the status report on preparation of the OCC's 2011-2012 budget.

- **Consent Item: 2010 First Amendment Compliance Audit of SFPD Records pursuant to Department General Order 8.10**

Director Hicks stated that this is a consent item but the OCC is prepared to answer any questions.

GOVERNMENT DOCUMENTS DEPT
JUN - 2 2011
SAN FRANCISCO PUBLIC LIBRARY

Commissioner DeJesus asked if there is a way to know if the officers are working outside of DGO 8.10 when they are assigned in a joint task force with Homeland Security which is covered in the Federal level. Samara Marion explained that part of the 8.10 audit is to look at the agency assist but it is limited to First Amendment activity.

PUBLIC COMMENT
None

Motion by Commissioner Slaughter, second by Commissioner Hammer to receive and file 2010 First Amendment Complaint Audit. Approved 5-1.

AYES: Commissioners Marshall, Hammer, Chan, Kingsley, Slaughter
NAYS: Commissioner DeJesus

ASSIGNMENT OF DISCIPLINARY CHARGES FILED AGAINST ASSISTANT PATROL SPECIAL OFFICER ERNEST TACHIHARA, CASE NO. ALW C11-036 TO A COMMISSIONER FOR TAKING OF EVIDENCE ON A DATE TO BE DETERMINED BY THE COMMISSIONER

Mr. John Rankin appeared on behalf of PSO Tachihara. Mr. John Alden appeared on behalf of the Department.

PUBLIC COMMENT
None

RESOLUTION NO. 11-23

ASSIGNMENT OF COMMISSIONER AND SETTING OF DATE FOR THE TAKING OF EVIDENCE ON DISCIPLINARY CHARGES FILED AGAINST PATROL SPECIAL OFFICER ERNEST TACHIHARA (FILE NO. ALW C11-036)

WHEREAS, the assignment of a Commissioner and setting of a date for hearing on disciplinary charged filed against Patrol Special Officer Ernest Tachihara, Star No. 2511, Northern, was called it having been set for this date; and

WHEREAS, Commissioner Carol Kingsley is hereby assigned to conduct taking of evidence in the disciplinary charges filed against Patrol Special Officer Tachihara; therefore be it

RESOLVED, that Commissioner Carol Kingsley is hereby assigned to conduct taking of evidence in the disciplinary charges filed against Patrol Special Officer Ernest Tachihara, and is to be set at a later date.

AYES: Commissioners Marshall, DeJesus, Chan, Kingsley, Hammer, Slaughter
ABSENT: Commissioner Mazzucco

COMMISSION ANNOUNCEMENTS

Lieutenant Falvey announced that some of the Commissioners will be meeting at 1800 Oakdale tomorrow, and next Thursday at 1820 Market at the LGBT Center, at 6 p.m., to receive public input in regards to the Chief's search.

PUBLIC COMMENT
None

PUBLIC COMMENT ON ALL MATTERS PERTAINING TO CLOSED SESSION

Michael Murowski voiced his concern that the item be held in open session.

VOTE ON WHETHER TO HOLD CLOSED SESSION

Motion by Commissioner Kingsley, second by Commissioner Hammer. Approved 6-0.

CLOSED SESSION (7:05 p.m. to 7:32 p.m.)

PERSONNEL EXCEPTION: Assignment of Disciplinary Charges filed in Case No. IVF C11-024 to a Commissioner for taking of evidence on a date to be determined by the Commissioner (Assigned to Commissioner Angela Chan, Resolution No. 11-24)

PRESENT: Commissioners Marshall, DeJesus, Chan, Hammer, Kingsley, Slaughter, Chief Godown, Director Hicks, Deputy City Attorney Blits, Attorney Fraenkel, Mr. Steve Johnson)

PERSONNEL EXCEPTION: Discussion and possible action to issue Police Commission subpoenas in the matter of Case No. KMO C10-032

PRESENT: Commissioners Marshall, DeJesus, Chan, Hammer, Kingsley, Slaughter, Chief Godown, Lieutenant Falvey, Deputy City Attorney Blits, Attorney Alden)

PERSONNEL EXCEPTION: Discussion and possible action to accept or reject stipulated agreement filed in disciplinary Case No. JWA C10-042 (Resolution No. 11-25)

PRESENT: Commissioners Marshall, DeJesus, Chan, Hammer, Kingsley, Slaughter, Chief Godown, Lieutenant Falvey, Deputy City Attorney Blits, Attorney Alden, Attorney Stiglich, and member involved)

Motion by Commissioner Chan, second by Commissioner Hammer to accept stipulated agreement with the amendment to the retirement date. Approved 6-0.

PERSONNEL EXCEPTION: Discussion and possible action to sustain or not sustain disciplinary charges filed in case no. IVF C09-143, and if sustained, decide penalty

PRESENT: Commissioners Marshall, DeJesus, Chan, Hammer, Kingsley, Slaughter, Chief Godown, Lieutenant Falvey, Deputy City Attorney Blits, Attorney Fraenkel, Attorney Alden, Attorney Stiglich, and member involved)

Attorney Stiglich to submit video by February 21st.

PERSONNEL EXCEPTION: Status and calendaring of pending disciplinary cases

PRESENT: Commissioners Marshall, DeJesus, Chan, Hammer, Kingsley, Slaughter, Lieutenant Falvey, Deputy City Attorney Blits)

No discussion.

VOTE TO ELECT WHETHER TO DISCLOSE ANY OR ALL DISCUSSION HELD IN CLOSED SESSION

Motion by Commissioner Hammer, second by Commissioner Chan for non disclosure. Approved 6-0.

DISCUSSION AND POSSIBLE ACTION TO GRANT OR DENY MOTIONS FOR DISMISSAL OF DISCIPLINARY CHARGES FILED AGAINST OFFICER WENDY HURLEY, CASE NO. JCT C06-187; DECISION TO SUSTAIN OR NOT SUSTAIN DISCIPLINARY CHARGES, IF NECESSARY; DECISION TO DECIDE PENALTY, IF NECESSARY

Motion by Commissioner Slaughter, second by Commissioner Kingsley to recuse Commissioner DeJesus in the hearings of Officers Hurley and Lewis. Approved 5-0.

Mr. Waukeen McCoy appeared on behalf of Officer Hurley, who was present. Mr. John Alden appeared on behalf of the Department.

Motion by Commissioner Slaughter, second by Commissioner Kingsley to deny Motion to Dismiss disciplinary charges filed against Officer Hurley. Approved 5-0.

DENIAL OF MOTIONS TO DISMISS DISCIPLINARY CHARGES AND DISPOSITION OF DISCIPLINARY CHARGES FILED AGAINST OFFICER WENDY HURLEY, STAR NO. 61,

(FILE NO. JCT C06-187)

The hearing of Officer Wendy Hurley, Star No. 61, was called it having been set for this date. Officer Hurley was charged in a properly verified complaint by Heather J. Fong, former Chief of Police of the San Francisco Police Department, with violating the Rules and Procedures, as follows:

SPECIFICATION NO. 1
Failure to devote full attention to duty, a neglect of duty (violation of Rule 1 of Department General Order 2.01 of the San Francisco Police Department);

SPECIFICATION NO. 2
Engaging in conduct which brings discredit upon the department, a neglect of duty (violation of Rule 9 of Department General Order 2.01 of the San Francisco Police Department);

SPECIFICATON NO. 3
Misuse of department property, a neglect of duty (violation of Rule 23 of Department General Order 2.01 of the San Francisco Police Department);

SPECIFICATION NO. 4
Drawing a firearm in a public place, without justification, a neglect of duty (violation of Department General Order 5.02.I.B.1 of the San Francisco Police Department);

SPECIFICATION NO. 5
Harassment on the basis of an individual's or group's race, color, national origin, ethnicity ..., a neglect of duty (violation of Rule IV.B.3 of Department General Order 11.07 of the San Francisco Police Department).

Mr. John Alden, Attorney at Law, appeared on behalf of the Internal Affairs Division and the San Francisco Police Department.

Officer Wendy Hurley appeared in person and was represented by Mr. Waukeen McCoy, Attorney at Law.

The Commission took the matter under submission and the following resolution was adopted:

RESOLUTION NO. 11-26

DENIAL OF MOTIONS TO DISMISS DISCIPLINARY CHARGES AND DISPOSITION OF DISCIPLINARY CHARGES FILED AGAINST OFFICER WENDY HURLEY, STAR NO. 61, (FILE NO. JCT C06-187)

WHEREAS, on November 29, 2006, Heather J. Fong, former Chief of Police of the San Francisco Police Department, made and served charges against Officer Wendy Hurley, Star No. 61, as follows:

SPECIFICATION NO. 1
Failure to devote full attention to duty, a neglect of duty (violation of Rule 1 of Department General Order 2.01 of the San Francisco Police Department);

(1) At all times herein mentioned Wendy J. Hurley, Star Number 61, (referred to as "the accused"0 was and is a police officer, employed by the San Francisco Police Department, currently assigned to the Homeland Security Unit.

(2) As a member of the Department, the accused was and is responsible for knowing and obeying the rules, orders and procedures of the San Francisco Police Department.

(3) The accused, while in uniform, is a representative of the Department.

(4) On December 6, 2005, the Department became aware of unauthorized videos that had been posted on the internet. Additional videos were discovered. The accused appeared in the videos.

(5) The accused did not obtain permission to appear in the unauthorized videos.

(6) The accused was on-duty while participating in the videos.

(7) The accused was assigned to the Bayview Police Station.

(8) The accused was assigned to patrol the Bayview District while on duty.

(9) The accused was present for the filming of a video entitled, "Bomb Scene."

(10) Officers were dispatched to a real call of an explosion, at the University of California Labs, which is under construction near the Mission Bay and 16th Street. Officer H responded from another district to this call. The blast was determined to have been an M-100 firecracker, although University investigators responded to conduct their own investigation. At the conclusion of the call for service, an officer (hereafter referred to as "Officer A"), the accused and another officer (hereafter referred to as "Officer A"), the accused and another officer (hereafter referred to as "Officer H") created a staged bomb scene, to film another officer's (hereafter referred to as "Officer G") reaction when he arrived. This was all done in a public place, on private property.

(11) The video begin with Officer H, who is on-duty and in uniform standing at a construction site. Officer H talks about explosions at this location and searching for land mines with a sweeper created out of a ball point pen. He states that he is pretty close to the pier but not anywhere close to it. A marked patrol car can be seen in the background. Also in the background is the accused, on-duty and standing next to a patrol car. Officer G, who is in uniform, on-duty and driving a marked police vehicle, arrives on the scene. Another marked patrol car can be seen parked just outside of the cyclone fence gate. Police crime scene tape is placed around the area.

Officer H starts running as Officer G arrives, holding a cup of coffee, exiting his patrol vehicle. Officer G is shown displaying his middle finger toward the camera. The accused asks, "What's your star number?" As Officer G continues to walk, he states, "You better know my mother fucking star." Officer H is then shown holding and shaking a bundle of flares that are arranged to represent an explosive device. The device is put down on a concrete rock pile. During this part of the video, Officer H, states, "Look, observe, clear the area." Officer G is shown depressing his pic radio microphone, stating, "Yeah there looks like there is no merit to any major 529; looks like fireworks." Officer H then states, "What's that ticking noise?"

(12) The accused was present for the filming of a video entitled, "Tie my shoe."

(13) The video shows an officer (hereafter referred to as "Officer XX"), in uniform, at Bayview Station. He is shown wearing his Department baseball cap off-set as he walks through the station, stopping to flash a peace sign. He is then shown sitting in a patrol car, moving his head back and forth. Officer XX is shown kneeling on one knee, tying his shoelaces. Officer XX displays with his hand, the 'hang loose' sign while seated in a patrol car. He is then shown driving with his Department baseball hat off-set and holding a Department radio microphone. Next, Officer XX is shown walking down the street on the sidewalk. He is in uniform and his hat is off-set. Officer XX flashes a peace sign and kneels down on one knee to tie his shoe. He then gets up and begins a series of poses, placing his arms across his chest and torso. In the background you can see a parked patrol car. Officer XX continues to walk, executing different moves with his arms, indicative of gang-like behavior. At one point he point to his baseball cap and is then seen back in the patrol car. The video then fades out. The music that is used in this video scene is of Asian influence and contains profane language that speaks of burglary, rape and other planned felonies.

FEBRUARY 16, 2011 **REGULAR MEETING**

The Police Commission of the City and County of San Francisco met in Room 400, City Hall, #1 Dr. Carlton B. Goodlett Place, San Francisco, at 5:40 p.m.

PRESENT: Commissioners Marshall, DeJesus, Chan, Hammer, Kingsley, Slaughter
ABSENT: Commissioner Mazzucco

PUBLIC COMMENT

Emil Lawrence discussed concerns regarding police officers pay as a growing problem on the budget. (Documents presented)

Mr. Harrison discussed concerns regarding the homicide of Charles Harrison and asked for an update from the department.

Commissioner Marshall stated that he had spoken with the Chief in regards to the homicide and that he will speak to Mr. Harrison at a later time.

Clyde stated that DA Gascon took a pay cut to be district attorney.

Jim Spitelli, business on border of Tenderloin and Central, discussed concerns regarding police enforcement over jurisdictional lines.

STATUS REPORT ON PREPARATION OF SFPD 2011-2012 BUDGET

Deborah Landis presented the status report on the preparation of the SFPD 2011-2012 budget.

Commissioner Chan stated that she is not ready to vote on the budget and would like to put it over and stated that language access is a huge concern for her and how much money is allocated for it and would like an explanation when the budget is presented again.

Commissioner DeJesus would like an explanation on the cost for mental health training and would like specific information in regards to attrition and cost for tasers.

Commissioner Kingsley stated that the Commission supports the Department in its budget efforts.

Commissioner Slaughter asked about the CIT resolution adopted last week and the budget impact.

Chief Godown stated that the Department has not budgeted anything for tasers or for training and stated that the cost per day for the mental health training is $8,000 and that the department will not pay for that amount of money and that is the reason that the funds ran out. Chief Godown stated that the Department will come back with a line-by-line explanation of the budget.

PUBLIC COMMENT

Emil Lawrence discussed concerns regarding the budget and police pensions.
Barbara Growth discussed concerns.
Clyde discussed concerns.
Michael Murowski discussed concerns.

OCC DIRECTOR'S REPORT

- **Status report on preparation of OCC's 2011-2012 budget**

Director Hicks presented the status report on preparation of the OCC's 2011-2012 budget.

- **Consent Item: 2010 First Amendment Compliance Audit of SFPD Records pursuant to Department General Order 8.10**

Director Hicks stated that this is a consent item but the OCC is prepared to answer any questions.

Commissioner DeJesus asked if there is a way to know if the officers are working outside of DGO 8.10 when they are assigned in a joint task force with Homeland Security which is covered in the Federal level. Samara Marion explained that part of the 8.10 audit is to look at the agency assist but it is limited to First Amendment activity.

PUBLIC COMMENT
None

Motion by Commissioner Slaughter, second by Commissioner Hammer to receive and file 2010 First Amendment Complaint Audit. Approved 5-1.

AYES: Commissioners Marshall, Hammer, Chan, Kingsley, Slaughter
NAYS: Commissioner DeJesus

ASSIGNMENT OF DISCIPLINARY CHARGES FILED AGAINST ASSISTANT PATROL SPECIAL OFFICER ERNEST TACHIHARA, CASE NO. ALW C11-036 TO A COMMISSIONER FOR TAKING OF EVIDENCE ON A DATE TO BE DETERMINED BY THE COMMISSIONER

Mr. John Rankin appeared on behalf of PSO Tachihara. Mr. John Alden appeared on behalf of the Department.

PUBLIC COMMENT
None

RESOLUTION NO. 11-23

ASSIGNMENT OF COMMISSIONER AND SETTING OF DATE FOR THE TAKING OF EVIDENCE ON DISCIPLINARY CHARGES FILED AGAINST PATROL SPECIAL OFFICER ERNEST TACHIHARA (FILE NO. ALW C11-036)

WHEREAS, the assignment of a Commissioner and setting of a date for hearing on disciplinary charged filed against Patrol Special Officer Ernest Tachihara, Star No. 2511, Northern, was called it having been set for this date; and

WHEREAS, Commissioner Carol Kingsley is hereby assigned to conduct taking of evidence in the disciplinary charges filed against Patrol Special Officer Tachihara; therefore be it

RESOLVED, that Commissioner Carol Kingsley is hereby assigned to conduct taking of evidence in the disciplinary charges filed against Patrol Special Officer Ernest Tachihara, and is to be set at a later date.

AYES: Commissioners Marshall, DeJesus, Chan, Kingsley, Hammer, Slaughter
ABSENT: Commissioner Mazzucco

COMMISSION ANNOUNCEMENTS

Lieutenant Falvey announced that some of the Commissioners will be meeting at 1800 Oakdale tomorrow, and next Thursday at 1820 Market at the LGBT Center, at 6 p.m., to receive public input in regards to the Chief's search.

PUBLIC COMMENT
None

PUBLIC COMMENT ON ALL MATTERS PERTAINING TO CLOSED SESSION

Michael Murowski voiced his concern that the item be held in open session.

VOTE ON WHETHER TO HOLD CLOSED SESSION

Motion by Commissioner Kingsley, second by Commissioner Hammer. Approved 6-0.

CLOSED SESSION (7:05 p.m. to 7:32 p.m.)

PERSONNEL EXCEPTION: Assignment of Disciplinary Charges filed in Case No. IVF C11-024 to a Commissioner for taking of evidence on a date to be determined by the Commissioner (Assigned to Commissioner Angela Chan, Resolution No. 11-24)

PRESENT: Commissioners Marshall, DeJesus, Chan, Hammer, Kingsley, Slaughter, Chief Godown, Director Hicks, Deputy City Attorney Blits, Attorney Fraenkel, Mr. Steve Johnson)

PERSONNEL EXCEPTION: Discussion and possible action to issue Police Commission subpoenas in the matter of Case No. KMO C10-032

PRESENT: Commissioners Marshall, DeJesus, Chan, Hammer, Kingsley, Slaughter, Chief Godown, Lieutenant Falvey, Deputy City Attorney Blits, Attorney Alden)

PERSONNEL EXCEPTION: Discussion and possible action to accept or reject stipulated agreement filed in disciplinary Case No. JWA C10-042 (Resolution No. 11-25)

PRESENT: Commissioners Marshall, DeJesus, Chan, Hammer, Kingsley, Slaughter, Chief Godown, Lieutenant Falvey, Deputy City Attorney Blits, Attorney Alden, Attorney Stiglich, and member involved)

Motion by Commissioner Chan, second by Commissioner Hammer to accept stipulated agreement with the amendment to the retirement date. Approved 6-0.

PERSONNEL EXCEPTION: Discussion and possible action to sustain or not sustain disciplinary charges filed in case no. IVF C09-143, and if sustained, decide penalty

PRESENT: Commissioners Marshall, DeJesus, Chan, Hammer, Kingsley, Slaughter, Chief Godown, Lieutenant Falvey, Deputy City Attorney Blits, Attorney Fraenkel, Attorney Alden, Attorney Stiglich, and member involved)

Attorney Stiglich to submit video by February 21st.

PERSONNEL EXCEPTION: Status and calendaring of pending disciplinary cases

PRESENT: Commissioners Marshall, DeJesus, Chan, Hammer, Kingsley, Slaughter, Lieutenant Falvey, Deputy City Attorney Blits)

No discussion.

VOTE TO ELECT WHETHER TO DISCLOSE ANY OR ALL DISCUSSION HELD IN CLOSED SESSION

Motion by Commissioner Hammer, second by Commissioner Chan for non disclosure. Approved 6-0.

DISCUSSION AND POSSIBLE ACTION TO GRANT OR DENY MOTIONS FOR DISMISSAL OF DISCIPLINARY CHARGES FILED AGAINST OFFICER WENDY HURLEY, CASE NO. JCT C06-187; DECISION TO SUSTAIN OR NOT SUSTAIN DISCIPLINARY CHARGES, IF NECESSARY; DECISION TO DECIDE PENALTY, IF NECESSARY

Motion by Commissioner Slaughter, second by Commissioner Kingsley to recuse Commissioner DeJesus in the hearings of Officers Hurley and Lewis. Approved 5-0.

Mr. Waukeen McCoy appeared on behalf of Officer Hurley, who was present. Mr. John Alden appeared on behalf of the Department.

Motion by Commissioner Slaughter, second by Commissioner Kingsley to deny Motion to Dismiss disciplinary charges filed against Officer Hurley. Approved 5-0.

DENIAL OF MOTIONS TO DISMISS DISCIPLINARY CHARGES AND DISPOSITION OF DISCIPLINARY CHARGES FILED AGAINST OFFICER WENDY HURLEY, STAR NO. 61,

(FILE NO. JCT C06-187)

The hearing of Officer Wendy Hurley, Star No. 61, was called it having been set for this date. Officer Hurley was charged in a properly verified complaint by Heather J. Fong, former Chief of Police of the San Francisco Police Department, with violating the Rules and Procedures, as follows:

SPECIFICATION NO. 1
Failure to devote full attention to duty, a neglect of duty (violation of Rule 1 of Department General Order 2.01 of the San Francisco Police Department);

SPECIFICATION NO. 2
Engaging in conduct which brings discredit upon the department, a neglect of duty (violation of Rule 9 of Department General Order 2.01 of the San Francisco Police Department);

SPECIFICATON NO. 3
Misuse of department property, a neglect of duty (violation of Rule 23 of Department General Order 2.01 of the San Francisco Police Department);

SPECIFICATION NO. 4
Drawing a firearm in a public place, without justification, a neglect of duty (violation of Department General Order 5.02.I.B.1 of the San Francisco Police Department);

SPECIFICATION NO. 5
Harassment on the basis of an individual's or group's race, color, national origin, ethnicity ..., a neglect of duty (violation of Rule IV.B.3 of Department General Order 11.07 of the San Francisco Police Department).

Mr. John Alden, Attorney at Law, appeared on behalf of the Internal Affairs Division and the San Francisco Police Department.

Officer Wendy Hurley appeared in person and was represented by Mr. Waukeen McCoy, Attorney at Law.

The Commission took the matter under submission and the following resolution was adopted:

RESOLUTION NO. 11-26

DENIAL OF MOTIONS TO DISMISS DISCIPLINARY CHARGES AND DISPOSITION OF DISCIPLINARY CHARGES FILED AGAINST OFFICER WENDY HURLEY, STAR NO. 61, (FILE NO. JCT C06-187)

WHEREAS, on November 29, 2006, Heather J. Fong, former Chief of Police of the San Francisco Police Department, made and served charges against Officer Wendy Hurley, Star No. 61, as follows:

SPECIFICATION NO. 1
Failure to devote full attention to duty, a neglect of duty (violation of Rule 1 of Department General Order 2.01 of the San Francisco Police Department);

(1) At all times herein mentioned Wendy J. Hurley, Star Number 61, (referred to as "the accused"0 was and is a police officer, employed by the San Francisco Police Department, currently assigned to the Homeland Security Unit.

(2) As a member of the Department, the accused was and is responsible for knowing and obeying the rules, orders and procedures of the San Francisco Police Department.

(3) The accused, while in uniform, is a representative of the Department.

(4) On December 6, 2005, the Department became aware of unauthorized videos that had been posted on the internet. Additional videos were discovered. The accused appeared in the videos.

(5) The accused did not obtain permission to appear in the unauthorized videos.

(6) The accused was on-duty while participating in the videos.

(7) The accused was assigned to the Bayview Police Station.

(8) The accused was assigned to patrol the Bayview District while on duty.

(9) The accused was present for the filming of a video entitled, "Bomb Scene."

(10) Officers were dispatched to a real call of an explosion, at the University of California Labs, which is under construction near the Mission Bay and 16th Street. Officer H responded from another district to this call. The blast was determined to have been an M-100 firecracker, although University investigators responded to conduct their own investigation. At the conclusion of the call for service, an officer (hereafter referred to as "Officer A"), the accused and another officer (hereafter referred to as "Officer A"), the accused and another officer (hereafter referred to as "Officer H") created a staged bomb scene, to film another officer's (hereafter referred to as "Officer G") reaction when he arrived. This was all done in a public place, on private property.

(11) The video begin with Officer H, who is on-duty and in uniform standing at a construction site. Officer H talks about explosions at this location and searching for land mines with a sweeper created out of a ball point pen. He states that he is pretty close to the pier but not anywhere close to it. A marked patrol car can be seen in the background. Also in the background is the accused, on-duty and standing next to a patrol car. Officer G, who is in uniform, on-duty and driving a marked police vehicle, arrives on the scene. Another marked patrol car can be seen parked just outside of the cyclone fence gate. Police crime scene tape is placed around the area.

Officer H starts running as Officer G arrives, holding a cup of coffee, exiting his patrol vehicle. Officer G is shown displaying his middle finger toward the camera. The accused asks, "What's your star number?" As Officer G continues to walk, he states, "You better know my mother fucking star." Officer H is then shown holding and shaking a bundle of flares that are arranged to represent an explosive device. The device is put down on a concrete rock pile. During this part of the video, Officer H, states, "Look, observe, clear the area." Officer G is shown depressing his pic radio microphone, stating, "Yeah there looks like there is no merit to any major 529; looks like fireworks." Officer H then states, "What's that ticking noise?"

(12) The accused was present for the filming of a video entitled, "Tie my shoe."

(13) The video shows an officer (hereafter referred to as "Officer XX"), in uniform, at Bayview Station. He is shown wearing his Department baseball cap off-set as he walks through the station, stopping to flash a peace sign. He is then shown sitting in a patrol car, moving his head back and forth. Officer XX is shown kneeling on one knee, tying his shoelaces. Officer XX displays with his hand, the 'hang loose' sign while seated in a patrol car. He is then shown driving with his Department baseball hat off-set and holding a Department radio microphone. Next, Officer XX is shown walking down the street on the sidewalk. He is in uniform and his hat is off-set. Officer XX flashes a peace sign and kneels down on one knee to tie his shoe. He then gets up and begins a series of poses, placing his arms across his chest and torso. In the background you can see a parked patrol car. Officer XX continues to walk, executing different moves with his arms, indicative of gang-like behavior. At one point he point to his baseball cap and is then seen back in the patrol car. The video then fades out. The music that is used in this video scene is of Asian influence and contains profane language that speaks of burglary, rape and other planned felonies.

(14) The accused state she was present for the filming of this video and participated in the selection of the music.

(15) The accused appears in a video entitled, "Traffic Copy Gone Wild." While in uniform, an officer (hereafter referred to as "Officer QQ") is seen driving a marked police vehicle, as he conducts a traffic stop on a white Pontiac Firebird driven by a female (hereafter referred to as "Witness 1"). The traffic stop was conducted at Kalmanovitz Street and Orsi Circle. During the traffic stop, Officer QQ approached the Firebird while the accused used a marked police vehicle to block off the street. Officer QQ contacted Witness 1, who is wearing a black tank top and a light colored short skirt. Officer QQ asked Witness 1 step out of the car and then told her to turn around, as he ogles her to the sound of music. After Witness 1 turned around, Officer QQ instructed her to get back into her vehicle. Officer QQ returned to his patrol car and obtained his citation book. Officer QQ appeared to write Witness 1 a citation, while looking at himself in the mirror. Officer QQ issued Witness 1 a citation, and handed her a copy. After a conversation between Officer QQ and Witness 1, Officer QQ returned to his police vehicle, and drove away.

(16) During the video, there is inappropriate banter between Officer QQ and Witness 1.

(17) The accused was on-duty and in uniform during the filming of this video.

(18) The accused appears in a video that includes an officer (hereafter referred to as "Officer WW") pointing a gun at her dog.

(19) In this video, Officer WW and Officer DD1 are shown in uniform, standing in the front office of Bayview Police Station. On the floor is a small Yorshire/Chihuahua mix name "Oliver," who belongs to the accused. Officer WW says to the dog, "come here man, sit down." Officer WW tells Officer DD1, "Get back, get back, I don't like this dog." Officer WW repeatedly tells the dog to sit down. Officer WW then states, "This is how you train a dog Bayview-style." As Officer WW tells the dog to "come here," the accused can be seen moving away from her set in the front office, holding a large binder and moving into a doorway. Officer WW then pulls his firearm from his holster and points it at the dog, who is seated on a circular dog cushion. Officer WW states, "sit down, sit down, you no good ... I'll blast you right now, you lousy no good," and the scene concludes.

(20) The accused brought her dog to work to participate in this video.

(21) The accused was on duty, in uniform and assigned to Station-keeper duties during the filming of this video.

(22) The video was filmed near a window at Bayview Police Station.

(23) The accused appears in a video entitled, "Charlie's Angles."

(24) The accused and two other officers (hereafter referred to as "Officer Q" and Officer II1" appear in civilian clothing, outside of the Bayview Police Station. They walk into the Station to the theme music of the television show "Charlie's Angels." The officers each have their Department issued star and a holstered firearm displayed outside of their clothing. As the officers are seen walking through the station, the officers' names appear in text, on the screen. The officers then enter an officer's (hereafter referred to as "Officer B") office. They are shown posing and holding their Department issued firearms drawn, in a ready position. The officers say, "Good morning Officer B." Officer B, while seated at his desk, is shown moving his tongue up and down while the text "featuring ..." is displayed. The officers respond by saying, "Ooooh Officer B." They are shown moving their tongues in a licking manner to the right. Officer B is then shown moving is tongue in an up and down motion and the text "Officer B" is displayed.

of the Department, although not specifically defined or set forth in Department policies and procedures, shall be considered unofficer-like conduct subject to disciplinary action."

SPECIFICATON NO. 3
Misuse of department property, a neglect of duty (violation of Rule 23 of Department General Order 2.01 of the San Francisco Police Department);

(34) The allegations incorporated in Specification No. 1, paragraphs 1 through 25 and Specification No. 2, paragraphs 26 through 27 are incorporated in this specification by reference and re-alleged as though set forth in full.

(35) The accused, by failing to use Department property according to Department policies and procedures, has engaged in conduct which constitutes a violation of Rule 23 of Department General Order 2.01 of the San Francisco Police Department, which states:

"23. USE OF DEPARTMENT PROPERTY. Members shall use Department property according to Department policies and procedures. Members shall use the operate Department vehicles and equipment in a reasonable and prudent manner and not allow unauthorized persons in police vehicles or allow them to use Department equipment. Authorization under special circumstances may be granted by a superior officer."

SPECIFICATION NO. 4
Drawing a firearm in a public place, without justification, a neglect of duty (violation of Department General Order 5.02.I.B.1 of the San Francisco Police Department);

(36) The allegations incorporated in Specification No. 1, paragraphs 1 through 25, and Specification No. 2, paragraphs 26 and 27, and Specification No. 3, paragraphs 28 and 29, and Specification No. 4, paragraphs 30 and 31, are incorporated in this specification by reference and re-alleged as though set forth in full.

(39) The accused has engaged in a pattern of conduct which constitutes a violation of Rule IV.B.3 of Department General Order 11.07 of the San Francisco Police Department, which states:

"IV. DEFINITIONS
B. HARASSMENT
3. OTHER HARASSMENT. Although only sexual harassment has been defined in detail above, the law and Department policy also prohibit harassment on the basis of an individual's or group's race, color, national origin, ethnicity, pregnancy, childbirth or related medical condition, sexual orientation, religion, age physical or mental disability, medical condition, marital status, political affiliation or belief, having AIDS, ARC, HIV infection or any signs or symptoms thereof. Therefore, harassment (including verbal, visual or physical conduct) on any of these bases is also prohibited."

WHEREAS, a hearing on said charges were held before the Police Commission pursuant to section 8.343 of the Charter of the City and County of San Francisco on July 8, 2010, July 15, 2010, July 20, 2010, August 17, 2010, August 18, 2010, August 19, 2010, and on February 16, 2011, the matter was submitted to the Police Commission for decision; and

RESOLVED, that the Police Commission hereby denies Motions to Dismiss;

FURTHER RESOLVED , that the Police Commission finds the following:

SPECIFICATION NO. 1 - Sustained on five videos

AYES: Commissioners Marshall, Slaughter, Chan, Kingsley, Hammer
RECUSED: Commissioners Mazzucco, DeJesus

SPECIFICATION NO. 2 - Sustained on seven videos

AYES: Commissioners Marshall, Slaughter, Chan, Kingsley, Hammer
RECUSED: Commissioners Mazzucco, DeJesus

SPECIFICATION NO. 3 - Sustained on seven videos

AYES: Commissioners Marshall, Slaughter, Chan, Kingsley, Hammer
RECUSED: Commissioners Mazzucco, DeJesus

SPECIFICATION NO. 4 - Sustained

AYES: Commissioners Marshall, Slaughter, Chan, Kingsley, Hammer
RECUSED: Commissioners Mazzucco, DeJesus

SPECIFICATION NO. 5 - Not sustained

AYES: Commissioners Chan, Kingsley
NAYS: Commissioners Marshall, Slaughter, Hammer
RECUSED: Commissioners Mazzucco, DeJesus

FURTHER RESOLVED, that consistent with the Commission's duty to protect the health, safety, and general welfare of the citizens of the City and County of San Francisco and the public in general, and in order to promote efficiency and discipline in the San Francisco Police Department, the Police Commission orders that Officer Wendy Hurley, Star No. 61, be suspended for three hundred sixty (360) days, representing ninety (90) days for each sustained specifications; and

FURTHER RESOLVED, that said three hundred sixty (360) days suspension shall commence immediately, starting on Thursday, February 17, 2011, at 0001 hours, and terminate on Sunday, February 12, 2012, at 2400 hours.

(These proceedings were taken in shorthand form by Ms. Patricia Rosinski, CSR., Star Reporting)

DISCUSSION AND POSSIBLE ACTION TO GRANT OR DENY MOTIONS FOR DISMISSAL OF DISCIPLINARY CHARGES FILED AGAINST OFFICER JAMES LEWIS, CASE NO. JCT C06-186; DECITION TO SUSTAIN OR NOT SUSTAIN DISCIPLINARY CHARGES, IF NECESSARY; DECISION TO DECIDE PENALTY, IF NECESSARY

Mr. Waukeen McCoy appeared on behalf of Officer Lewis, who was present. Mr. John Alden appeared on behalf of the Department.

PUBLIC COMMENT

Andrew Cohen addressed the Commission on how the videos were sanctioned by the Department and how this is all political.

Mother of James Lewis addressed concerns on how the Commissioners' minds are already made up.

Motion by Commissioner Marshall, second by Commissioner Kingsley to deny Motion to Dismiss disciplinary charges filed against Officer Lewis. Approved 5-0.

DENIAL OF MOTIONS TO DISMISS DISCIPLINARY CHARGES AND DISPOSITION OF DISCIPLINARY CHARGES FILED AGAINST OFFICER JAMES LEWIS, STAR NO. 1023, (FILE NO. JCT C06-186)

The hearing of Officer James Lewis, Star No. 1023, was called it having been set for this date. Officer Lewis was charged in a properly verified complaint by Heather J. Fong, former Chief of Police of the San Francisco Police Department, with violating the Rules and Procedures, as follows:

SPECIFICATION NO. 1

Leaving assigned area without permission, neglect of duty (violation of Rule I.A.2 of Department General Order 1.03 of the San Francisco Police Department);

SPECIFICATION NO. 2
Failing to devote entire time and attention to the achievement of the Department's basic to protect life and property, preserve the peace, prevent crime, enforce criminal laws and ordinances, and regulate non-criminal conduct as provided by law (violation of Rule 1 of Department General Order 2.01 of the San Francisco Police Department);

SPECIFICATION NO. 3
Engaging in conduct which brings discredit upon the Department (violation of Rule 9 of Department General Order 2.01 of the San Francisco Police Department);

SPECIFICATION NO. 4
While acting in the performance of duty, failing to treat the public with courtesy and respect and using harsh, profane or uncivil language (violation of Rule 14 of Department General Order 2.01 of the San Francisco Police Department);

SPECIFICATION NO. 5
Harassment on the basis of an individual's or group's race, color, national origin, ethnicity ..., a neglect of duty (violation of Rule IV.B.3 of Department General Order 11.07);

Mr. John Alden, Attorney at Law, appeared on behalf of the Internal Affairs Division and the San Francisco Police Department.

Officer James Lewis appeared in person and was represented by Mr. Waukeen McCoy, Attorney at Law.

The Commission took the matter under submission and the following resolution was adopted:

RESOLUTION NO. 11-27

DENIAL OF MOTIONS TO DISMISS DISCIPLINARY CHARGES AND DISPOSITION OF DISCIPLINARY CHARGES FILED AGAINST OFFICER JAMES LEWIS, STAR NO. 1023, (FILE NO. JCT C06-186)

WHEREAS, on November 29, 2006, Heather J. Fong, former Chief of Police of the San Francisco Police Department, made and served charges against Officer James Lewis, Star No. 1023, as follows:

SPECIFICATION NO. 1
Leaving assigned area without permission, neglect of duty (violation of Rule I.A.2 of Department General Order 1.03 of the San Francisco Police Department).

(1) At all times herein mentioned James Lewis, Star Number 1023, (hereafter referred to as "the accused") was and is a police officer employed by the San Francisco Police Department, currently assigned to the Support Services Division.

(2) As a member of the Department, the accused was and is responsible for knowing and obeying the rules, orders and procedures of the San Francisco Police Department.

(3) The accused, while in uniform, is a representative of the Department.

(4) On December 6, 2005, the Department became aware of the unauthorized videos that had been posted on the internet. Additional videos were discovered. The accused appeared in the videos.

(5) The accused did not obtain permission to appear in the unauthorized videos and photographs.

(6) The accused was on-duty while participating in the videos and photographs.

(7) The accused was assigned to the Bayview Police Station.

(8) The accused was assigned to patrol the Bayview District while on duty.

(9) The accused appears in a video entitled, "I am Not a Dogg." The accused is seen in uniform, in photographs, at the San Francisco Animal Control facility, with an unknown animal control officer. The accused is shown in a push-up position with the animal control officer holding onto his right foot with an animal noose attached to a pole. The accused is then shown inside the Animal Control facility with the animal control officer holding a leash around his neck. The Animal Control officer then attempts to put a muzzle on the accused's face. The accused is next shown in an animal cage with the leash around his neck holding a dog bowl. The accused is then shown on his knees, on the floor, appearing ready to eat out of the dog bowl.

(10) The accused left his assigned district without permission, in order to make this video.

(11) The accused is shown in a video entitled, "In the Line of Doodie." The accused is shown in a video entitled, "In the Line of Doodie." The accused is shown in a video scene about the men's restroom in the locker room, at the Bayview Police Station. Officers are shown headed toward the men's handicap stall, and the photographer opens the stall door, exposing the toilet. Text is then displayed on the screen that reads, "WARNING!! What you are about to view may not be aesthetically pleasing. If you are prone to gagging when witnessing globs of shit, please turn away now!" The open toilet is shown again. The text states, "There is no way we're going to show this crap to you!!! Trust me, you will thank me for this!"

(12) The next the scene shows an officer (hereinafter referred to as "Officer A"), in uniform, in the reflection of the bathroom mirror. Officer A appears to be holding a video camera and clothing. Officer walks through the locker room, towards the accused, who is in uniform. The accused states, "That's a nasty mother fucker, whoever left that, you a nasty, skanky, you so nasty words can't even describe it." Officer A then turns to Officer KK1 who says, "you know what happens? They ho it up and blow it up, barbecue to mildew." The scene shifts and an officer (hereafter referred to as "Officer X"), who is in uniform and driving a marked police car, states, "I thought that was shocking." The accused reappears and says, "Nasty mother fucker." Officer X reappears again and says, "I was blown away by it." The remaining portion of the video does not involve the accused. It was not determined whether or not the accused was on-duty.

(13) The accused is shown in the video entitled "Station Clown." In this video, an officer (hereafter referred to as "Officer B") appears in a tee shirt seated at his desk. Officer B appears to be typing on a keyboard. The accused then appears outside of Officer B's office. He is wearing a dark colored beanie and an orange City prison outfit, as he slides on his stomach across the floor. Officer B is shown sitting at his desk in front of his computer. The accused then enters Officer B's office and goes into Officer B's closet, where he removes Officer B's uniform jacket, hat and gun belt and puts these items on over the prison uniform. The accused appears to have a handcuff hanging off his left hand. The accused then walks out of Officer B's office and says, "Good job men." Next the scene changes and a patrol vehicle is shown backing into a parking stall at the rear of the Bayview Police Station. The accused is shown again wearing a black beanie and an orange City prison outfit, and is being escorted through a door by an officer (hereafter referred to as "officer HH"). The accused breaks away from Officer HH and runs down the hallway and out the back door leading to the parking lot. Other officers appear to believe the accused is an escaped prisoner and they being to chase him in the parking lot. One officer falls down in the process.

(14) The accused was on-duty during the filming of this scene.

(15) Any reasonable officer should know that the filming of this video poses a great officer-safety risk, as well as a great safety risk to the accused.

(16) The accused is shown in the video entitled "Charlie's Angels." In this video, Officer B reappears and moves his tongue4 up and down. At this point, the accused appears in Officer B's office. The accused is observed wearing a blonde-brown wig and wearing a black dress with his shoulders and arms exposed. The accused moves his right hand over the right side of his abdomen and breast area. A reversed image of a smiling Officer B appears. The accused says, "Hey cap" and moves his tongue across his lips. The text states, "introducing Officer Jamie 'Janet' Lewis."

(17) The investigation was unable to determine whether the accused was on-duty.

(18) The accused is shown in the video entitled "Officer N bicycle qualification." In this video, the accused is seen talking to Fire Department personnel. Next, the scene shifts to the parking lot at Bayview Station. Officer NN appears and talks about failing the bicycle course and hitting Officer B's car with his bicycle. Next, you see Officer NN riding the bicycle qualification course, with the accused providing hand directions. Officer NN appears to be headed toward Officer B's car while the accused attempts to redirect him. A multi-colored screen appears followed by a high pitch noise. Next the following text appears. "Although Officer NN failed his training course for the second time and although he did sustained (sic) numerous injuries to his body and ego, we are happy to inform you that Officer B's vehicle was not seriously damaged during this incident. We wish Officer B's car a speedy recovery!"

(19) The accused was on-duty during the filming of this video.

(20) The accused is shown in the video entitled "Weight Loss Advice (for Officer NN1) – By Jimmy Lewis."

(21) This video stars with Latin music and the text, "Weight Loss Advice (for Officer NN1) – by Jimmy Lewis." The setting is a public location in the Bayview District. The accused is shown holding up his left fingers in a gesture to represent a small amount. The accused stated, "Pinch an inch, too many tacos." Next seen in the background are on-duty officers tending to Officer NN1, whose shirt is torn, exposing his upper body. An African American male is seated on the sidewalk possibly in a hobble restraint. He appears to be a prisoner that is unmonitored, while the accused is talking to the camera. The video then concludes with drop down text, "That's all folks."

(22) The accused was on-duty and in uniform during the filming of this video.

(23) The accused is shown in the video entitled "Father's Day Presentation."

(24) This video scene starts off with the text, "and now, a special Father's Day presentation, brought to you by the good 'ol folk at Bayview Station." While the text is being displayed, an officer (hereafter referred to as "Officer II) states, "You know it's Father's Day," to which the accused replies, "Yes." Officer II states, "You know how much it means to me, " to which the accused responds, "Yes, yes." The scene then show Officer II and the accused standing in a hallway corridor at Bayview Station. Officer II states, "I got you breakfast and special dark chocolate," to which the accused responds, "Special dark chocolate? That's what I'm talking about." Officer II then removes from the small of her back, a quarter of a sliced watermelon wrapped in cellophane. Officer II hands the watermelon to the accused and says to him, "And now I want to present you with this." The accused accepts the watermelon and after looking at it states, "Watermelon?" Officer II replies, "Yes." Both Officer II and the accused smile at each other as the accused thanks Officer II and says, "Thank you, watermelon?" The accused then states, "Hmmm ... I love watermelon." The accused then bites into the watermelon and states, "hmmm ... hmmm ... juicy sweet watermelon, straight from the white folks." The accused points his finger at Officer II. The scene fades out.

(25) The accused was on-duty and in uniform during the filming of this video.

(26) The accused is shown in the video entitled "Jimmy, what do you do when you get depressed?"

(27) This video starts off with the rolling text, "JIMMY WHAT DO YOU DO WHEN YOU GET DEPRESSED." The accused appears in the driver's seat of a patrol car, in uniform. Seated next to him is Officer A. The accused states, "When I'm depressed, I sit here in my patrol car and beat my meat." The accused then laughs and says, "Please."

(28) The accused was on-duty and in uniform during the filming of this video.

(29) Any reasonable police officer must know that such conduct violates the standards of the Department and is cause for discipline or dismissal from employment; such conduct violates Rule I.A.2 of Department General Order 1.03, which states:

"A. Patrol Officers shall
2. REMAINING IN ASSIGNED AREAS
a. Not leave their assigned areas except in the performance of proper police duty, with the permission of a superior officer, or for personal necessity."

SPECIFICATION NO. 2
Failing to devote entire time and attention to the achievement of the Department's basic to protect life and property, preserve the peace, prevent crime, enforce criminal laws and ordinances, and regulate non-criminal conduct as provided by law (violation of Rule 1 of Department General Order 2.01 of the San Francisco Police Department);

(30) The allegations incorporated in Specification No. 1, paragraphs 1 through 29 are incorporated in this specification by reference and realleged as though set forth in full.

(31) Any reasonable police officer must know that such conduct violates the standards of the Department and is cause for discipline or dismissal from employment; such conduct violates Rule 1 of Department General Order 2.01, which states:

"ATTENTION TO DUTY. The basic mission of the San Francisco Police Department and its officers is to protect life and property, preserve the peace, prevent crime, enforce criminal laws and ordinances, and regulate non-criminal conduct as provided by law. While on duty, officers shall devote their entire time to the achievement of this mission within the context of their respective assignments."

SPECIFICATION NO. 3
Engaging in conduct which brings discredit upon the Department (violation of Rule 9 of Department General Order 2.01 of the San Francisco Police Department);

(32) The allegations incorporated in Specification No. 1, paragraphs 1 through 29, and Specification No. 2, paragraphs 30 and 31, are incorporated by reference and realleged as though set forth in full.

(33) Any reasonable police officer must know that such conduct violates the standards of the Department and is cause for discipline or dismissal from employment; such conduct violates Rule of Department General Order 2.01, which states:

"MISCONDUCT. Any breach of the peace, neglect of duty, misconduct or any conduct by an officer either within or without the state that tends to undermine the order, efficiency or discipline of the Department, or reflects discredit upon the Department or any member, or is prejudicial to the efficiency and discipline of the Department, although not specifically defined or set forth in Department

policies and procedures, shall be considered unofficer-like conduct subject to disciplinary action."

SPECIFICATION NO. 4
While acting in the performance of duty, failing to treat the public with courtesy and respect and using harsh, profane or uncivil language (violation of Rule 14 of Department General Order 2.01 of the San Francisco Police Department);

(34) Each allegation incorporated in Specification No. 1, paragraphs 1 through 29, and Specification No. 2, paragraphs 30 through 31, and Specification No. 3, paragraphs 32 through 33, and is incorporated by reference as fully set forth herein.

(35) Any reasonable police officer must know that such conduct violates the standards of the Department and is cause for discipline or dismissal from employment; such conduct violates Rule 14 of Department General Order 2.01, which states:

"PUBLIC COURTESY. When acting in the performance of their duties, while on or off duty, members shall treat the public with courtesy and respect and not use harsh, profane or uncivil language. Members shall also address the public using pronouns and titles of respect appropriate to the individual's gender identity as expressed by the individual. When requested, members shall promptly and politely provide their name, star number and assignment."

SPECIFICATION NO. 5
Harassment on the basis of an individual's or group's race, color, national origin, ethnicity ..., a neglect of duty (violation of Rule IV.B.3 of Department General Order 11.07);

(36) Each allegation incorporated in Specification No. 1, paragraphs 1 through 29, and Specification No. 2, paragraphs 30 through 31, and Specification No. 3, paragraphs 32 through 33, and Specification No. 4, paragraphs 34 through 35, is incorporated by reference as fully set forth herein.

(37) Any reasonable police officer must know that such conduct violates the standards of the Department and is cause for discipline or dismissal from employment; such conduct violates Rule IV.B.3 of Department General Order 11.07, which states:

"IV. Definitions
B. HARASSMENT
3. OTHER HARASSMNET. Although only sexual harassment has been defined in detail above, the law and Department policy also prohibit harassment on the basis of an individual's or group's race, color, national origin, ethnicity, pregnancy, childbirth or related medical condition, sexual orientation, religion, age, physical or mental disability, medical condition, marital status, political affiliation or belief, having AIDS, ARC, HIV infection or any signs or symptoms thereof. Therefore, harassment (including verbal, visual or physical conduct) on any of these bases in also prohibited."

WHEREAS, a hearing on said charges were held before the Police Commission pursuant to section 8.343 of the Charter of the City and County of San Francisco on September 21, 2010, October 5, 2010, and on February 16, 2011, the matter was submitted to the Police Commission for decision; and

RESOLVED, that the Police Commission hereby denies Motions to Dismiss;

FURTHER RESOLVED, that the Police Commission finds the following:

SPECIFICATION NO. 1 - Sustained

AYES: Commissioners Marshall, Slaughter, Chan, Kingsley, Hammer
RECUSED: Commissioners Mazzucco, DeJesus

SPECIFICATION NO. 2 - Sustained on six videos

AYES: Commissioners Marshall, Slaughter, Chan, Kingsley, Hammer
RECUSED: Commissioners Mazzucco, DeJesus

SPECIFICATION NO. 3 - Sustained on eight videos

AYES: Commissioners Marshall, Slaughter, Chan, Kingsley, Hammer
RECUSED: Commissioners Mazzucco, DeJesus

SPECIFICATION NO. 4 - Sustained on two videos

AYES: Commissioners Marshall, Slaughter, Chan, Kingsley, Hammer
RECUSED: Commissioners Mazzucco, DeJesus

SPECIFICATION NO. 5 - Not sustained

AYES: Commissioners Chan, Kingsley
NAYS: Commissioners Marshall, Slaughter, Hammer
RECUSED: Commissioners Mazzucco, DeJesus

FURTHER RESOLVED, that consistent with the Commission's duty to protect the health, safety, and general welfare of the citizens of the City and County of San Francisco and the public in general, and in order to promote efficiency and discipline in the San Francisco Police Department, the Police Commission orders that Officer James Lewis, Star No. 1023, be suspended for three hundred sixty (360) days, representing ninety (90) days for each sustained specifications; and

FURTHER RESOLVED, that said three hundred sixty (360) days suspension shall commence immediately, starting on Thursday, February 17, 2011, at 0001 hours, and terminate on Sunday, February 12, 2012, at 2400 hours.

(These proceedings were taken in shorthand form by Ms. Patricia Rosinski, CSR., Star Reporting)

ADJOURNMENT

Motion by Commissioner Marshall, second by Commissioner Chan. Approved 5-0.

Thereafter, the meeting was adjourned at 11:24 p.m.

_____

Lieutenant Timothy Falvey
Secretary
San Francisco Police Commission

1071/rct

The Police Commission

CITY AND COUNTY OF SAN FRANCISCO

THOMAS MAZZUCCO
President

DR. JOE MARSHALL
Vice President

PETRA DEJESUS
Commissioner

ANGELA CHAN
Commissioner

JAMES HAMMER
Commissioner

CAROL KINGSLEY
Commissioner

R. JAMES SLAUGHTER
Commissioner

Lieutenant Timothy Falvey
Secretary

SAN FRANCISCO POLICE COMMISSION AGENDA
REGULAR MEETING
WEDNESDAY, FEBRUARY 23, 2011
5:30 p.m.

CITY HALL, ROOM 400
#1 Dr. Carlton B. Goodlett Place
San Francisco, California

Roll Call; Pledge of Allegiance

1. **General Public Comment**
(The public is now welcome to address the Commission regarding items that do not appear on tonight's agenda but that are within the subject matter jurisdiction of the Commission. Speakers shall address their remarks to the Commission as a whole and not to individual Commissioners or Department or OCC personnel. Under Police Commission Rules of Order, during public comment, neither Police or OCC personnel, nor Commissioners are required to respond to questions presented by the public but, may provide a brief response. Individual Commissioners and Police and OCC personnel should refrain, however, from entering into any debates or discussion with speakers during public comment. Please limit your comments to two (2) minutes.)

2. **Reports to the Commission** (DISCUSSION ONLY)
   a. Chief's Report
      - Report on crime statistics
      - Review of recent activities
   b. OCC Director's Report
      - Review of recent activities
   c. Commission Reports
      - Commission President's Report
      - Commissioners' Reports

02-13-11P03:33 RCVD

GOVERNMENT
DOCUMENTS DEPT

FEB 18 2011

SAN FRANCISCO
PUBLIC LIBRARY

3. **Routine Administrative Business**
   a. Commission Announcements (DISCUSSION ONLY)
   b. Scheduling of items identified for consideration at future Commission meetings (ACTION ITEM)

4. Discussion and possible action to authorize the Chief of Police to develop a proposal for modifications of Department General Orders 5.01, "Use of Force," and Department General Order 10.02, "Equipment," to include the use of Conducted Energy Devices (CED) ("Taser"), and to develop proposed policies, practices, training and implementation programs consistent with professional best practices and contemporary technology, relying upon recommendations from the Department of Justice's Office of Community Oriented Policing Services and the Police Executive Research Forum, subject to the final approval of the Police Commission (ACTION ITEM)

   - Commissioner Chan's Presentation on Tasers (45 minutes)
   - Department's Presentation (45 minutes)

The Police Commission

CITY AND COUNTY OF SAN FRANCISCO

THOMAS MAZZUCCO
President

DR. JOE MARSHALL
Vice President

PETRA DEJESUS
Commissioner

ANGELA CHAN
Commissioner

JAMES HAMMER
Commissioner

CAROL KINGSLEY
Commissioner

R. JAMES SLAUGHTER
Commissioner

Lieutenant Timothy Falvey
Secretary

SAN FRANCISCO POLICE COMMISSION AGENDA
REGULAR MEETING
WEDNESDAY, FEBRUARY 23, 2011
5:30 p.m.

CITY HALL, ROOM 400
#1 Dr. Carlton B. Goodlett Place
San Francisco, California

5. Public comment on all matters pertaining to Item 7 below, Closed Session – Disciplinary Cases, including public comment on vote whether to hold Item 7 in closed session.

6. Vote on whether to hold Item 7 in closed session (ACTION ITEM)

7. **Closed Session – Disciplinary Cases**
   a. Pursuant to Government Code Section 54957(b)(1) and San Francisco Administrative Code Section 67.10(b) and Penal Code Section 832.7:
   PERSONNEL EXCEPTION: Discussion and possible action to issue Police Commission subpoena in the matter of Case Nos. D08-013 & C08-014 (ACTION ITEM)

   b. Pursuant to Government Code Section 54957(b)(1) and San Francisco Administrative Code Section 67.10(b) and Penal Code Section 832.7:
   PERSONNEL EXCEPTION: Discussion and possible action to issue Police Commission subpoena in the matter of Case No. C11-001 (ACTION ITEM)

   c. Pursuant to Government Code Section 54957(b)(1) and San Francisco Administrative Code Section 67.10(b) and Penal Code Section 832.7:
   PERSONNEL EXCEPTION: Status and calendaring of pending disciplinary cases (DISCUSSION AND POSSIBLE ACTION)

(OPEN SESSION) Roll Call.

8. Vote to elect whether to disclose any or all discussion on Item 7 held in closed session (San Francisco Administrative Code Section 67.12(a)) (ACTION ITEM)

9. Public comment on all matters pertaining to Item 11 below, Closed Session – Public Employee Appointment: Chief of Police, including public comment on vote whether to hold Item 11 in closed session

10. Vote on whether to hold Item 11 in closed session (ACTION ITEM)

11. **Closed Session – PUBLIC EMPLOYEE APPOINTMENT: Chief of Police**
Review and evaluation of applications submitted by candidates for Chief of Police. This item may be held in closed session under Government Code Section 54957(b) and San Francisco Administrative Code Section 67.10(b). (DISCUSSION & POSSIBLE ACTION)

The Police Commission

CITY AND COUNTY OF SAN FRANCISCO

THOMAS MAZZUCCO
President

DR. JOE MARSHALL
Vice President

PETRA DEJESUS
Commissioner

ANGELA CHAN
Commissioner

JAMES HAMMER
Commissioner

CAROL KINGSLEY
Commissioner

R. JAMES SLAUGHTER
Commissioner

Lieutenant Timothy Falvey
Secretary

SAN FRANCISCO POLICE COMMISSION AGENDA
REGULAR MEETING
WEDNESDAY, FEBRUARY 23, 2011
5:30 p.m.

CITY HALL, ROOM 400
#1 Dr. Carlton B. Goodlett Place
San Francisco, California

(OPEN SESSION) Roll Call.

12. Vote to elect whether to disclose any or all discussion on Item 11 held in closed session (San Francisco Administrative Code Section 67.12(a)) (ACTION ITEM)

13. Discussion and possible action to establish further procedures and/or timelines for selecting nominees to submit to the Mayor for Chief of Police, or to take other action related to selecting nominees for Chief of Police (DICUSSION & POSSIBLE ACTION)

    Note – This item is included in the event the Commission wishes to discuss and take further action to establish procedures and/or timelines to select nominees to submit to the Mayor for Chief of Police, or to take other action related to selecting nominees for Chief of Police.

14. **Adjournment** (ACTION ITEM)

SUPPORTING DOCUMENTATION FOR POLICE COMMISSION AGENDA ITEMS THAT ARE NOT CONFIDENTIAL AND DOCUMENTATION THAT HAVE BEEN DISTRIBUTED TO THE COMMISSION AFTER DISTRIBUTION OF THE AGENDA PACKETS ARE AVAILABLE FOR REVIEW AT THE POLICE COMMISSION OFFICE, THOMAS J. CAHILL HALL OF JUSTICE, 850 BRYANT STREET, ROOM 505, SAN FRANCISCO, CA 94103, DURING NORMAL BUSINESS HOURS. (415) 553-1667

The Police Commission

CITY AND COUNTY OF SAN FRANCISCO

THOMAS MAZZUCCO
President

DR. JOE MARSHALL
Vice President

PETRA DEJESUS
Commissioner

ANGELA CHAN
Commissioner

JAMES HAMMER
Commissioner

CAROL KINGSLEY
Commissioner

R. JAMES SLAUGHTER
Commissioner

Lieutenant Timothy Falvey
Secretary

SAN FRANCISCO POLICE COMMISSION AGENDA

REGULAR MEETING

The Commission will hear public comment on all agenda items before or during discussion of the item.

The ringing of and use of cell phones, pagers and similar sound-producing electronic devices are prohibited at this meeting. Please be advised that the Chair may order the removal from the meeting room of any person(s) responsible for the ringing or use of a cell phone, pager, or other similar sound-producing electronic devices.

KNOW YOUR RIGHTS UNDER THE SUNSHINE ORDINANCE

(Chapter 67 of the San Francisco Administrative Code)

Government's duty is to serve the public, reaching its decisions in full view of the public.

Commissions, boards, councils, and other agencies of the City and County exist to conduct the people's business. This ordinance assures that deliberations are conducted before the people and that City operations are open to the people's review.

FOR MORE INFORMATION ON YOUR RIGHTS UNDER THE SUNSHINE ORDINANCE OR TO REPORT VIOLATION OF THE ORDINANCE, CONTACT THE SUNSHINE ORDINANCE TASK FORCE: ADMINISTRATOR, CITY HALL, ROOM 244, #1 DR. CARLTON B. GOODLETT PLACE, SAN FRANCISCO, CA 94102-4689; OFFICE (415) 554-5163. COPIES OF THE SUNSHINE ORDINANCE CAN BE OBTAINED FROM THE CLERK OF THE SUNSHINE TASK FORCE, THE SAN FRANCISCO PUBLIC LIBRARY, AND ON THE CITY'S WEBSITE AT www.ci.sf.ca.us/bdsupvrs/sunshine

Lobbyist Registration and Reporting Requirements
Individuals and entities that influence or attempt to influence local legislative or administrative action may be required by the San Francisco Lobbyist Ordinance [SF Campaign & Government Code §2.100] to register and report lobbying activity. For more information about the Lobbyist Ordinance, please contact the San Francisco Ethics Commission at 30 Ness Avenue, Suite 3900, San Francisco, CA 94102; telephone (415) 581-2300; fax (415) 581-2317; webs site www.sfgov.org/ethics.

SAN FRANCISCO POLICE COMMISSION
PUBLIC MEETING/HEARING ACCESSIBILITY INFORMATION

Communication accessibility services; including sign language interpreters or computer aided real time captioning will be made available upon advance request. Please call the Police Commission Office at 553-1667 (v) or 553-9194 (tty), at least 72 hours prior to a proceeding. Late requests will be honored if possible.

A **sound enhancement system** will be available on request at the proceeding.

Meeting agendas and other print materials will be made available in alternate formats (computer disk, via email, fax, large print) upon advance request at least 72 hours prior to a proceeding. Please call the Police Commission Office at 553-1667 (v) or 553-9194 (tty). Late requests will be honored if possible.

Individuals with severe allergies, environmental illness, multiple chemical sensitivity or related disabilities should call 553-1667 to discuss meeting accessibility. In order to assist the City's efforts to accommodate such people, attendees at public meetings are reminded that other attendees may be sensitive to various chemical based products.

The proceeding will be held at City Hall, Room 400, #1 Dr. Carlton B. Goodlett Place, San Francisco. The closest accessible BART station is the Civic Center Station. For information about MUNI service, please call 311.

Accessible parking are available on Carlton Goodlett Place, Grove Street, and Van Ness Avenue.

Accessible seating for persons with disabilities and wheelchairs will be available.

For information about the meeting, please call 553-1667(v) or 553-9194 (tty).

FEBRUARY 23, 2011 REGULAR MEETING

The Police Commission of the City and County of San Francisco met in Room 400, City Hall, #1 Dr. Carlton B. Goodlett Place, San Francisco, at 5:30 p.m., in a Regular Meeting.

PRESENT: Commissioners Mazzucco, Marshall, DeJesus, Chan, Kingsley, Hammer, Slaughter

CLOSED SESSION: Taken out of order

PUBLIC COMMENT ON ALL MATTERS PERTAINING CLOSED SESSION – DISCIPLINARY CASES, INCLUDING PUBLIC COMMENT ON VOTE WHETHER TO HOLD CLOSED SESSION

None

VOTE ON WHETHER TO HOLD CLOSED SESSION

Motion by Commissioner Chan, second by Commissioner Hammer. Approved 7-0.

CLOSED SESSION – DISCIPLINARY CASES (5:30 p.m. – 5:35 p.m)

a. **PERSONNEL EXCEPTION: Discussion and possible action to issue Police Commission subpoena in the matter of Case Nos. D08-013 & C08-014**
(PRESENT: Commissioners Mazzucco, Marshall, DeJesus, Chan, Kingsley, Hammer, Slaughter, Lt. Falvey, Deputy City Attorney Porter, Risa Tom, Attorney Alden)
Motion by Commissioner Hammer, second by Commissioner Marshall. Approved 7-0.

b. **PERSONNEL EXCEPTION: Discussion and possible action to issue Police Commission subpoena in the matter of Case No. C11-001**
(PRESENT: Commissioners Mazzucco, Marshall, DeJesus, Chan, Kingsley, Hammer, Slaughter, Lt. Falvey, Deputy City Attorney Porter, Risa Tom, Attorney Alden)
Motion by Commissioner Hammer, second by Commissioner Marshall. Approved 7-0.

c. **PERSONNEL EXCEPTION: Status and calendaring of pending disciplinary cases**
Put over.

OPEN SESSION

VOTE TO ELECT WHETHER TO DISCLOSE ANY OR ALL DISCUSSION HELD IN CLOSED SESSION

Motion by Commissioner Marshall, second by Commissioner Chan for non disclosure. Approved 7-0.

DISCUSSION AND POSSIBLE ACTION TO AUTHORIZE THE CHIEF OF POLICE TO DEVELOP A PROPOSAL FOR MODIFICATIONS OF DEPARTMENT GENERAL ORDERS 5.01, "USE OF FORCE," AND DEPARTMENT GENERAL ORDER 10.02, "EQUIPMENT," TO INCLUDE THE USE OF CONDUCTED ENERGY DEVICES (CED) ("TASER"), AND TO DEVELOP PROPOSED POLICIES, PRACTICES, TRAINING AND IMPLEMENTATION PROGRAMS CONSISTENT WITH PROFESSIONAL BEST PRACTICES AND CONTEMPORARY TECHNOLOGY, RELYING UPON RECOMMENDATIONS FROM THE DEPARTMENT OF JUSTICE'S OFFICE OF COMMUNITY ORIENTED POLICING SERVICES AND THE POLICE EXECUTIVE RESEARCH FORUM, SUBJECT TO THE FINAL APPROVAL OF THE POLICE COMMISSION

Commissioner Mazzucco introduced this item and explained that in 30 days the Department will come back with a recommendation on a less lethal weapon to report back to the Commission. Commissioner Mazzucco also asked Commissioners Slaughter and Chan to work with the Department regarding this issue.

Commissioner Hammer talked about how the Department can change its tactics to avoid use of force and what is the best tools and proposals to put forward as a pilot program. The Department will then report back in 30 days to the Commission.

GOVERNMENT DOCUMENTS DEPT
JUN - 2 2011
SAN FRANCISCO PUBLIC LIBRARY

Chief Godown asked for permission to research lethal weapons and come back in 30 days with a specific weapon and then 3 to 6 months to come back with a feasible weapon.

Commander Mahoney presented the proposal to equip members with CED.

Roll play presented by the Department.

Commander Mahoney introduced Mr. Chuck Wexler, PERF, who talked about PERF's recommendation to use Tasers. Mr. Wexler recommended that the Department start a pilot program to study this weapon.

Sheriff Mike Hennessey addressed the Commission and stated that the Sheriff's Department have used tasers for eight years and have discharged it 14 times. Sheriff Hennessey stated that the red dot is enough to force compliance. Sheriff Hennessey stated that all deputy sheriffs have one and all deputies have to be trained and supervised in order to use tasers. Sheriff Hennessey stated that it is a very effective tool for the Sheriff's Department.

Commissioner DeJesus commented that there is a difference with dealing with individuals in confined space as to individuals on the street.

Ms. Christine Deberry, Mayor's Office Deputy Chief of Staff, expressed the support of the Mayor's Office for the Department to use tasers.

Sgt. Joe McCloskey, Tenderloin, addressed the Commission and described an incident where officers encountered a violent individual.

Officer Matt Friedman, Mission, described an incident where he was involved in a confrontation in Garfield Park with a violent individual.

Officer Jason Lai, Central, described an incident of a domestic violence against a child and a confrontation with a violent suspect where it took 8 officers to subdue the suspect.

Officer Dan Laval, Tactical instructor including firearms and less lethal firearms, showed the Commission the size of less lethal firearm to show the size and bulk of the weapon as compared to a taser.

Lieutenant Lea Millitello, Pride Alliance, addressed the Commission and asked the Commission to allow the officers to have the use of CED device.

Officer Hector Basurto, SF Latino POA, addressed the Commission and asked the Commission to allow the officers to have the use of CED device and talked about the benefit of having this extra tool for the officers.

Sergeant Paul Yep, Asian POA, asked the Commission to look for additional tool to fill the gap between a firearm and a baton.

Officer Kevin Martin, POA, addressed the Commission and asked the Commission to consider having another tool in the tool box.

Commissioner DeJesus asked Mr. Wexler as to how to use this weapon when there are so many restrictions in order to use CEDs.

Commissioner Mazzucco asked if officers can use tasers at fleeing suspects.

Commissioner Marshall asked what is it about tasers that bother people more than guns.

Commissioner Chan introduced Mr. John Burris to address the Commission. Mr. Burris talked about death cases and potential for abuse in the use of CEDs.

Ms. Barbara Attard addressed the Commission about her experience with Tasers in the city of San Jose.

Mr. Burton, Los Angeles Attorney, first attorney to sue Taser International, addressed the Commission and showed a short power point presentation.

Ms. Reena, Amnesty International, addressed the Commission regarding concerns of arming SFPD officers with Tasers.

Dr. Zian H. Tsang, UCSF, presented a short research summary in the study of Tasers.

Mr. Alan Hopper, ACLU Police Practices Director Northern California, played a short video presentation regarding use of Tasers and recommended that the Commission not act on this until the Department's CIT program is in place.

Director Joyce Hicks, OCC, addressed the Commission and stated that no weapon could replace sound tactics and recommended that the Department enhance its tactical skills training and provide communication skills to de-escalate events.

PUBLIC COMMENT

Denzel, retired postal service worker, would like the Department to get every tool to combat criminals.

Meesha Irizarry addressed the Commission and discussed the Oscar Grant incident and an incident in San Jose.

Dale, National Alliance on Mental Health, agreed with ACLU that Taser and mental health are not separate issues and discussed concerns about the budget and CIT should be implemented first.

Emil Lawrence addressed concerns of the cost factors to fund Tasers.

Pamela Fisher, National Alliance on Mental Illness, the CIT and Tasers cannot be separated and urged the Commission vote against the Taser.

Unidentified urged the Commission to oppose Tasers.

Karen Cunnan, National Lawyers Guild, urged the Commission to oppose Tasers and stated the presentations lack the human issue.

Kate, San Francisco resident, discussed concerns regarding cost of Tasers.

Unidentified, brother of homicide victim, stated that one of the cause of mental illness is injustice and hopes that something be done.

David Wagner, former President Harvey Milk Club, stated that community opposition has not changed in opposition to Tasers.

Francisco, Executive Board National Lawyers' Guild, opposed Tasers and opposed amendment to go forward tonight and concerns of funding Tasers.

Jesse Collins discussed concerns that when officers respond, policies will not be followed and urged the Commission not to vote.

Julian Davis discussed concerns regarding use of funding for studying the use of Tasers.

Unidentified discussed concerns regarding the use of Tasers.

Unidentified discussed concerns regarding anecdotes versus facts.

Unidentified discussed concerns regarding the use of Tasers.

Eva discussed concerns regarding the use of Tasers in community of color and asked that the Commission do not move forward in the implementation of Tasers.

Michael Flynn, National Lawyers' Guild, discussed his opposition to Tasers and that tasers tend to cause more deaths.

Katherine Lynch Sherman opposed Tasers because they are more dangerous than guns.

Danicia stated that this is not just a tool in the tool box but a weapon used against the community.

Dr. Paul Quick stated that severe injuries to officers increased with the implementation of CEDs.

Unidentified opposed Tasers because what she saw from the presentation is the officers do not use common sense.

Cherry talked about beat cops keeping the peace in neighborhoods without Tasers and discussed concerns in funding Tasers.

George Sheeman, Long Beach, discussed concerns regarding "street justice" use of Tasers.

Cynthia Munos discussed concerns regarding use of Tasers against communities of color and asked that Tasers not be implemented but instead talk to the communities.

Unidentified asked where will the money for Tasers come from and what will be sacrificed first.

Carol Harvey, speaking for James, asked that the Commission reject the proposal and discussed an incident involving the shooting of an individual on a wheelchair.

Kelly Rebecca, Homeless Youth Alliance, discussed concerns about the use of Tasers against youth and concerns that non lethal situation might turn into lethal situations with the use of Tasers.

Monica Morales, Community Against Violence, discussed concerns regarding individuals of domestic violence and the use of Tasers against these individuals.

Richard Coche urged the Commission to vote no because Tasers can cause non lethal force to deadly force.

Lee Worbach discussed the incident involving Gary King, Jr. in Oakland and the killing of young men in Oakland.

Marlon Krump discussed concerns regarding having the community wait for public comment and opposes Tasers.

Josh, Tenderloin neighborhood, discussed concerns regarding inappropriate use of Tasers and funding for it.

Ann Garrison, journalist, discussed San Francisco culture.

Cynthia Lee discussed concerns regarding use of Tasers on individuals under medication.

Tim Phillips, National Lawyers' Guild, discussed concerns regarding use of Tasers.

Barbara Lopez regarding disproportionate use of Tasers on communities of color and individuals under the influence of drugs.

Barbara Growth discussed concerns.

Unidentified asked the Commission not to vote for Tasers and go in the best interest of the public.

Salvador discussed concerns.

Unidentified asked that the Commission do not go forward until completion of mental health training of the officers.

Bob Westor, Mental Health Working Group, discussed community engagement and stated that he does not want Tasers in the community.

Madeleine Williams do not want Tasers in the community.

Robert discussed concerns regarding Tasers and that there are other safer methods.

Unidentified common sense is needed and de-escalation skills are needed instead of Tasers.

Carl Start, writer, asked if public safety and officers safety does not improve with Tasers, could this tool be useful.

Unidentified discussed concerns that Tasers do kill and that the City cannot afford the injuries it will cause and asked to give the CIT model a chance to work.

Commissioner Chan stated that community input needs to happen and research and talk to doctors who are independent; explain where money is coming from for training, lawsuit, liabilities; use of force, when to use this weapon; include the OCC with proposal; CIT program be up and running and that training be in place; defibrillators are made available; and cannot give money to Arizona; study on communities of color.

Commissioner Kingsley thanked the presenters and the public and asked the Chief where the Department is at at this time. Chief Godown asked to research less lethal options including Tasers and stated that as Chief he has an obligation to keep the officers safe and what he's asking is to research the feasibility of a less lethal option.

Commissioner Marshall would like some kind of clarity and would like to know what the Commission is voting on.

Commissioner Mazzucco is to look at CED devices and to investigate other devices as part of pilot program and to authorize the Chief to start looking at tasers along with working with OCC, Commissioners, working group, to see if this is the

appropriate tool and to figure out what is out there for the officers to use and to deal with implementation of the program including ground rules for use of tasers and/or other devices.

Commissioner DeJesus asked to talk about the budget and what is the priority for the department and would like to know where the money is coming from and if Taser International is giving this for free. Commissioner DeJesus also stated that this is inconsistent with the CIT Training that the Commission voted for and concerns about coming back in 30 days.

Commissioner Hammer stated the goal is not to use force unless necessary and stated that there are three different parts that are crucial: (1) CIT, (2) the use of tactics in San Francisco and use of force, and (3) his motion.

Commissioner Slaughter discussed concerns with the 30 days and what will happen and that if the motion passes, that 30 days may not be enough time and suggested 60 or 90 days to figure out if there is a less lethal weapon that the Department wants to proposed.

Commissioner Hammer read his motion, "to authorize the Chief in conjunction with OCC and two members of the Police Commission to develop a proposal for modifications DGO 5.01, "Use of Force," and Department DGO 10.02 to develop a proposed pilot program with specific proposed policies and guidelines on their use for conducted energy devices and to investigate, evaluate all other less than lethal devices and to require the Chief of Police, the OCC, and the two Commissioners report back to the Commission with their findings within the time that you think is reasonable."

Commissioner Mazzucco suggested 60 days for the Department to come back to the Commission with what weapon they are going to look at.

Commissioner Kingsley proposed an amendment to the motion and that is after the language that says relying upon recommendations from the Department of Justice Office of Community Oriented Policing Services and PERF essentially, to add the language, "and consultation with communities of colors, mental health professionals, LGBT, and other key segments of the community and to set forth proposed costs and funding for all of the above with the implementation of the proposed plan subject to the final approval."

Commissioner Hammer accepts Commissioner Kingsley's amendment.

Commissioner Slaughter asked that there should be 90 days to do the job and for the OCC, the community, and the Commission to go out and look at the issue and supports the motion but to have 90 days to come back which of the less lethal would be appropriate.

Commissioner Kingsley stated that there needs to be more dialogue on this topic with everybody, and if approved as a body, dialogue is still needed and asked the public not to be discouraged.

Commissioner DeJesus stated that she does not support this resolution and stated that this resolution is a soft pitch way to put tasers in.

Commissioner Chan added an amendment that tactics be improved; and that research be based on independent studies; and whatever is proposed, implementation of a pilot after CIT Unit has been trained and is up and running.

Commissioner Slaughter expressed concerns about the third amendment by Commissioner Chan and opposed of making it contingent upon another program and stated that the Department can accomplish what is needed and want by having officers involved meet the CIT and mental health and de-escalation tactics training.

Commissioner Mazzucco stated that we owe it to the community and the officers to keep them safe and give them another option and asked to have faith with the officers and department.

Motion by Commissioner Hammer to authorize the Chief of Police in conjunction with the Office of Citizen Complaints and two members of the Commission to develop a proposal for modifications to Department General Orders 5.01, "Use of Force," and Department General Order 10.02, "Equipment," and for proposal for a pilot program for the use of Conducted Energy Devices with specific proposed policies and guidelines for their use and to investigate, evaluate other less than lethal weapons, to develop these proposals in consultation with communities of color, mental health professionals, LGBT, and other key segments of the community and set forth proposed costs and funding for all of the above with implementation of proposed plan; also, to direct the Chief of Police, in conjunction with the Office of Citizen Complaints and two members of the Police Commission to review and make recommendation on changes to the San Francisco Police Department tactical training regarding use of force; and, for the Chief of Police, the OCC and two commissioners to report back to the Commission with their findings within 90 days. Second by Commissioner Marshall. Approved 6-1.

AYES: Commissioners Mazzucco, Marshall, Hammer, Kingsley, Slaughter, Chan
NAYS: Commissioner Dejesus

RESOLUTION NO. 11-28

APPROVAL TO AUTHORIZE THE CHIEF OF POLICE TO DEVELOP A PROPOSAL FOR MODIFICATIONS OF DEPARTMENT GENERAL ORDERS 5.01, "USE OF FORCE," AND 10.02, "EQUIPMENT," AND TO INVESTIGATE AND EVALUATE CONDUCTED ENERGY DEVICES AND ALL OTHER LESS LETHAL WEAPONS AND RECOMMEND A PROPOSAL FOR A PILOT DEPLOYMENT PROGRAM

RESOLVED, that the Police Commission hereby approves to authorize the Chief of Police, in conjunction with the Office of Citizen Complaints and two members of the Police Commission, to develop a proposal for modifications of Department General Order 5.01, "Use of Force," and Department General Order 10.02, "Equipment," and to investigate and evaluate Conducted Energy Devices and all other less lethal weapons based on independent scientific research and to develop and recommend a proposal for a pilot deployment program with specific proposed policies and guidelines for their use.

Further, to develop these proposals in consultation with communities of color, mental health professionals, LGBT and other key segments of the community and to set forth proposed costs and funding for the proposed plan.

Further, to direct the Chief of Police, Office of Citizen Complaints and two designated members of the Police Commission to report back to the Commission with their findings and recommendations within 90 days.

Also to direct the Chief of Police, Office of Citizen Complaints, and two members of the Commission to review and make recommendations to the Commission on changes to the Police Department's tactical training regarding the use of force within 90 days.

Deployment of a pilot program is subject to prior approval by the Commission.

AYES: Commissioners Mazzucco, Marshall, Chan, Hammer, Kingsley, Slaughter
NAYS: Commissioner DeJesus

VOTE TO ELECT WHETHER TO HOLD CLOSED SESSION

Motion by Commissioner Slaughter, second by Commissioner Hammer. Approved 7-0.

CLOSED SESSION (11:40 p.m. to 11:50 p.m.)

PUBLIC EMPLOYEE APPOINTMENT: Chief of Police

(PRESENT: Commissioners Mazzucco, Marshall, DeJesus, Chan, Hammer, Kingsley, Slaughter, Lieutenant Falvey, Lieutenant Reilly, Risa Tom)

VOTE TO ELECT WHETHER TO DISCLOSE ANY OR ALL DISCUSSION HELD IN CLOSED SESSION

Motion by Commissioner Marshall, second by Commissioner Slaughter for non disclosure. Approved 7-0.

ADJOURNMENT

Motion by Commissioner Hammer, second by Commissioner Kingsley. Approved 7-0.

Thereafter, the meeting was adjourned at 11:55 p.m.

_____

Lieutenant Timothy Falvey
Secretary
San Francisco Police Commission

1071/rct

The Police Commission

CITY AND COUNTY OF SAN FRANCISCO

THOMAS MAZZUCCO
President

DR. JOE MARSHALL
Vice President

PETRA DEJESUS
Commissioner

ANGELA CHAN
Commissinner

JAMES HAMMER
Commissioner

CAROL KINGSLEY
Commissinner

R. JAMES SLAUGHTER
Commissioner

Lieutenant Timothy Falvey
Secretary

NOTICE OF CANCELLATION OF MEETING

SAN FRANCISCO POLICE COMMISSION
850 Bryant Street, Room 505
San Francisco, CA 94103

5

26/11
cancelled

The Special Meeting scheduled for Saturday, February 26, 2011, has been cancelled.

GOVERNMENT
DOCUMENTS DEPT

FEB 25 2011

SAN FRANCISCO
PUBLIC LIBRARY

THOMAS J. CAHILL HALL OF JUSTICE, 850 BRYANT ST., RM. 505, SAN FRANCISCO, CA 94103-4603 (415) 553-1667 FAX (415) 553-1669

March 1, 2011 (Special Meeting)

Thomas Mazzucco President

Dr. Joe Marshall Vice President

Petra DeJesus
Commissioner

James T. Hammer
Commissioner

Angela Chan Commissioner

Carol Kingsley
Commissioner

R. James Slaugher Commissioner

Lt.Timothy Falvey Secretary

SAN FRANCISCO POLICE COMMISSION

NOTICE OF SPECIAL MEETING

Tuesday, March 1, 2011

5:00 p.m.

THOMAS J. CAHILL HALL OF JUSTICE
850 Bryant Street, Room 505
San Francisco, California

(CLOSED SESSION)

GOVERNMENT
DOCUMENTS DEPT

DEC 23 2013

SAN FRANCISCO
PUBLIC LIBRARY

Roll Call.

1. Public Comment on all matters pertaining to Closed Session

2. Vote on whether to hold Closed Session pursuant to San Francisco Administrative Code Section 67.10 (ACTION ITE

3. Closed Session

Pursuant to Government Code section 54957(b) and San Francisco Administrative Code section 67.10(b):

PERSONNEL EXCEPTION: Public Employee appointment: Nomination of applicant(s) for Chief of Police

4. Possible report on action taken in Closed Session pursuant to Government Code section 54957.1 and San Francisco Administrative Code section 67.12(b) (REPORT)

5. Vote to elect whether to disclose any or all discussion held in closed session pursuant to Administrative Code section 67.112(a) (ACTION ITEM)

6. Adjournment (ACTION ITEM)

*** **SUPPORTING DOCUMENTATION FOR POLICE COMMISSION AGENDA ITEMS THAT ARE N CONFIDENTIAL AND DOCUMENTATION THAT HAVE BEEN DISTRIBUTED TO THE COMMISSION AFT DISTRIBUTION OF THE AGENDA PACKETS ARE AVAILABLE FOR REVIEW AT THE POLICE COMMISS OFFICE, THOMAS J. CAHILL HALL OF JUSTICE, 850 BRYANT STREET, ROOM 505, SAN FRANCISCO.**

City and County of San Francisco ©2000-2013

The Police Commission

CITY AND COUNTY OF SAN FRANCISCO

THOMAS MAZZUCCO
President

DR. JOE MARSHALL
Vice President

PETRA DEJESUS
Commissioner

ANGELA CHAN
Commissioner

JAMES HAMMER
Commissioner

CAROL KINGSLEY
Commissioner

R. JAMES SLAUGHTER
Commissioner

Lieutenant Timothy Falvey
Secretary

SAN FRANCISCO POLICE COMMISSION AGENDA
REGULAR MEETING
WEDNESDAY, MARCH 2, 2011
5:30 p.m.

CITY HALL, ROOM 400
#1 Dr. Carlton B. Goodlett Place
San Francisco, California

F
'45
#1
3/2/11

Roll Call; Pledge of Allegiance

1. **Consent Calendar** (RECEIVE & FILE; ACTION ITEM)
   - Request of Sergeant Kenneth Esposto to accept a certificate for a hotel stay and $300.00 certificate from the Rotary Club of San Francisco as their San Francisco Police Officer of the Year Award recipient

2. **General Public Comment**
   (The public is now welcome to address the Commission regarding items that do not appear on tonight's agenda but that are within the subject matter jurisdiction of the Commission. Speakers shall address their remarks to the Commission as a whole and not to individual Commissioners or Department or OCC personnel. Under Police Commission Rules of Order, during public comment, neither Police or OCC personnel, nor Commissioners are required to respond to questions presented by the public but, may provide a brief response. Individual Commissioners and Police and OCC personnel should refrain, however, from entering into any debates or discussion with speakers during public comment. Please limit your comments to three (3) minutes.)

3. Discussion and possible action to accept or reject stipulated agreement on charges filed against Patrol Special Officer Roberto Ortega, File No. ALW C10-242 (ACTION ITEM)

4. **Reports to the Commission** (DISCUSSION ONLY)
   a. Chief's Report
      - Report on crime statistics
      - Review of recent activities
      - Status report on preparation of SFPD's 2011-2012 budget
   b. OCC Director's Report
      - Review of recent activities
      - Status report on preparation of OCC's 2011-2012 budget
   c. Commission Reports
      - Commission President's Report
      - Commissioners' Reports

GOVERNMENT
DOCUMENTS DEPT

FEB 25 2011

SAN FRANCISCO
PUBLIC LIBRARY

5. **Routine Administrative Business**
   a. Commission Announcements (DISCUSSION ONLY)
   b. Scheduling of items identified for consideration at future Commission meetings (ACTION ITEM)

6. Public comment on all matters pertaining to Item 8 below, Closed Session – Disciplinary Cases, including public comment on vote whether to hold Item 8 in closed session.

7. Vote on whether to hold Item 8 in closed session (ACTION ITEM)

The Police Commission

CITY AND COUNTY OF SAN FRANCISCO

THOMAS MAZZUCCO
President

DR. JOE MARSHALL
Vice President

PETRA DEJESUS
Commissioner

ANGELA CHAN
Commissioner

JAMES HAMMER
Commissioner

CAROL KINGSLEY
Commissioner

R. JAMES SLAUGHTER
Commissioner

Lieutenant Timothy Falvey
Secretary

SAN FRANCISCO POLICE COMMISSION AGENDA
REGULAR MEETING
WEDNESDAY, MARCH 2, 2011
5:30 p.m.

CITY HALL, ROOM 400
#1 Dr. Carlton B. Goodlett Place
San Francisco, CA

8. **Closed Session – Disciplinary Cases**
   a. Pursuant to Government Code Section 54957(b)(1) and San Francisco Administrative Code Section 67.10(b) and Penal Code Section 832.7:
   PERSONNEL EXCEPTION: Assignment of Disciplinary Charges filed in Case No. JWA C11-035 to a Commissioner for taking of evidence on a date to be determined by the Commissioner (ACTION ITEM)
   b. Pursuant to Government Code Section 54957(b)(1) and San Francisco Administrative Code Section 67.10(b) and Penal Code Section 832.7:
   PERSONNEL EXCEPTION: Discussion and possible action to issue Police Commission subpoena in the matter of Case No. JWA C10-189 (ACTION ITEM)
   c. Pursuant to Government Code Section 54957(b)(1) and San Francisco Administrative Code Section 67.10(b) and Penal Code Section 832.7:
   PERSONNEL EXCEPTION: Discussion and possible action to sustain or not sustain disciplinary charges filed in Case No. ALW C10-158, and decision to decide penalty, if necessary
   d. Pursuant to Government Code Section 54957 and San Francisco Administrative Code Section 67.10(b) and Penal Code Section 832.7:
   PERSONNEL EXCEPTION: Discussion and possible action to grant or deny Motion for Dismissal of Disciplinary Charges filed in Case Nos. KMO C08-127 & KMO C08-162 pursuant to Government Code Section 3304(d) (ACTION ITEM)
   The following time limits will apply:
   Arguments by the Officer: 20 minutes
   Arguments by the Department: 10 minutes
   e. Pursuant to Government Code Section 54957(b)(1) and San Francisco Administrative Code Section 67.10(b) and Penal Code Section 832.7:
   PERSONNEL EXCEPTION: Status and calendaring of pending disciplinary cases (DISCUSSION AND POSSIBLE ACTION)

(OPEN SESSION) Roll Call.

9. Vote to elect whether to disclose any or all discussion on Item 8 held in closed session (San Francisco Administrative Code Section 67.12(a)) (ACTION ITEM)

10. Public comment on all matters pertaining to Item 12 below, Closed Session – Public Employee Appointment: Chief of Police, including public comment on vote whether to hold Item 13 in closed session

The Police Commission

CITY AND COUNTY OF SAN FRANCISCO

THOMAS MAZZUCCO
President

DR. JOE MARSHALL
Vice President

PETRA DEJESUS
Commissioner

ANGELA CHAN
Commissioner

JAMES HAMMER
Commissioner

CAROL KINGSLEY
Commissioner

R. JAMES SLAUGHTER
Commissioner

Lieutenant Timothy Falvey
Secretary

SAN FRANCISCO POLICE COMMISSION AGENDA
REGULAR MEETING
WEDNESDAY, MARCH 2, 2011
5:30 p.m.

CITY HALL, ROOM 400
#1 Dr. Carlton B. Goodlett Place
San Francisco, CA

11. Vote on whether to hold Item 12 in closed session (ACTION ITEM)

12. **Closed Session – PUBLIC EMPLOYEE APPOINTMENT: Chief of Police**
Review and evaluation of applications submitted by candidates for Chief of Police. This item may be held in closed session under Government Code Section 54957(b) and San Francisco Administrative Code Section 67.10(b). (DISCUSSION & POSSIBLE ACTION)

(OPEN SESSION) Roll Call.

13. Vote to elect whether to disclose any or all discussion on Item 12 held in closed session (San Francisco Administrative Code Section 67.12(a)) (ACTION ITEM)

14. Discussion and possible action to establish further procedures and/or timelines for selecting nominees to submit to the Mayor for Chief of Police, or to take other action related to selecting nominees for Chief of Police (DISCUSSION & POSSIBLE ACTION)

    Note – this item is included in the event the Commission wishes to discuss and take further action to establish procedures and/or timelines to select nominees to submit to the Mayor for Chief of Police, or to take other action related to selecting nominees for Chief of Police

15. **Adjournment** (ACTION ITEM)

SUPPORTING DOCUMENTATION FOR POLICE COMMISSION AGENDA ITEMS THAT ARE NOT CONFIDENTIAL AND DOCUMENTATION THAT HAVE BEEN DISTRIBUTED TO THE COMMISSION AFTER DISTRIBUTION OF THE AGENDA PACKETS ARE AVAILABLE FOR REVIEW AT THE POLICE COMMISSION OFFICE, THOMAS J. CAHILL HALL OF JUSTICE, 850 BRYANT STREET, ROOM 505, SAN FRANCISCO, CA 94103, DURING NORMAL BUSINESS HOURS. (415) 553-1667

The Police Commission

CITY AND COUNTY OF SAN FRANCISCO

THOMAS MAZZUCCO
President

DR. JOE MARSHALL
Vice President

PETRA DEJESUS
Commissioner

ANGELA CHAN
Commissioner

JAMES HAMMER
Commissioner

CAROL KINGSLEY
Commissioner

R. JAMES SLAUGHTER
Commissioner

Lieutenant Timothy Falvey
Secretary

SAN FRANCISCO POLICE COMMISSION AGENDA

REGULAR MEETING

The Commission will hear public comment on all agenda items before or during discussion of the item.

The ringing of and use of cell phones, pagers and similar sound-producing electronic devices are prohibited at this meeting. Please be advised that the Chair may order the removal from the meeting room of any person(s) responsible for the ringing or use of a cell phone, pager, or other similar sound-producing electronic devices.

KNOW YOUR RIGHTS UNDER THE SUNSHINE ORDINANCE

(Chapter 67 of the San Francisco Administrative Code)

Government's duty is to serve the public, reaching its decisions in full view of the public.

Commissions, boards, councils, and other agencies of the City and County exist to conduct the people's business. This ordinance assures that deliberations are conducted before the people and that City operations are open to the people's review.

FOR MORE INFORMATION ON YOUR RIGHTS UNDER THE SUNSHINE ORDINANCE OR TO REPORT VIOLATION OF THE ORDINANCE, CONTACT THE SUNSHINE ORDINANCE TASK FORCE: ADMINISTRATOR, CITY HALL, ROOM 244, #1 DR. CARLTON B. GOODLETT PLACE, SAN FRANCISCO, CA 94102-4689; OFFICE (415) 554-5163. COPIES OF THE SUNSHINE ORDINANCE CAN BE OBTAINED FROM THE CLERK OF THE SUNSHINE TASK FORCE, THE SAN FRANCISCO PUBLIC LIBRARY, AND ON THE CITY'S WEBSITE AT www.ci.sf.ca.us/bdsupvrs/sunshine

Lobbyist Registration and Reporting Requirements
Individuals and entities that influence or attempt to influence local legislative or administrative action may be required by the San Francisco Lobbyist Ordinance [SF Campaign & Government Code §2.100] to register and report lobbying activity. For more information about the Lobbyist Ordinance, please contact the San Francisco Ethics Commission at 30 Ness Avenue, Suite 3900, San Francisco, CA 94102; telephone (415) 581-2300; fax (415) 581-2317; webs site www.sfgov.org/ethics.

SAN FRANCISCO POLICE COMMISSION
PUBLIC MEETING/HEARING ACCESSIBILITY INFORMATION

Communication accessibility services; including sign language interpreters or computer aided real time captioning will be made available upon advance request. Please call the Police Commission Office at 553-1667 (v) or 553-9194 (tty), at least 72 hours prior to a proceeding. Late requests will be honored if possible.

A **sound enhancement system** will be available on request at the proceeding.

Meeting agendas and other print materials will be made available in alternate formats (computer disk, via email, fax, large print) upon advance request at least 72 hours prior to a proceeding. Please call the Police Commission Office at 553-1667 (v) or 553-9194 (tty). Late requests will be honored if possible.

Individuals with severe allergies, environmental illness, multiple chemical sensitivity or related disabilities should call 553-1667 to discuss meeting accessibility. In order to assist the City's efforts to accommodate such people, attendees at public meetings are reminded that other attendees may be sensitive to various chemical based products.

The proceeding will be held at City Hall, Room 400, #1 Dr. Carlton B. Goodlett Place, San Francisco. The closest accessible BART station is the Civic Center Station. For information about MUNI service, please call 311.

Accessible parking are available on Carlton Goodlett Place, Grove Street, and Van Ness Avenue.

Accessible seating for persons with disabilities and wheelchairs will be available.

For information about the meeting, please call 553-1667(v) or 553-9194 (tty).

MARCH 2, 2011 REGULAR MEETING

The Police Commission of the City and County of San Francisco met in Room 400, City Hall, #1 Dr. Carlton B. Goodlett Place, San Francisco, at 5:37 p.m.

PRESENT: Commissioners Mazzucco, Marshall, Chan, DeJesus, Hammer, Kingsley, Slaughter

(Commissioner Marshall was excused at 8:30 p.m.)

CONSENT CALENDAR

- Request of Sergeant Kenneth Esposto to accept a certificate for a hotel stay and $300.00 certificate from the Rotary club of San Francisco at their San Francisco Police Officer of the Year Award recipient

Motion by Commissioner Marshall, second by Commissioner Slaughter. Approved 7-0.

RESOLUTION NO. 11-29

APPROVAL OF THE REQUEST OF SERGEANT KENNETH ESPOSTO TO ACCEPT A CERTIFICATE FOR A HOTEL STAY AND $300.00 CERTIFICATE FROM THE ROTARY CLUB OF SAN FRANCISCO AS THEIR SAN FRANCISCO POLICE OFFICER OF THE YEAR AWARD RECIPIENT

RESOLVED, that the Police Commission hereby approves the request of Sergeant Kenneth Esposto to accept a certificate for a hotel stay and $300.00 certificate from the Rotary Club of San Francisco as their San Francisco Police Officer of the Year Award recipient.

AYES: Commissioners Mazzucco, Marshall, DeJesus, Chan, Hammer, Kingsley, Slaughter

PUBLIC COMMENT

David Sneider, Taxicab Workers, discussed concerns regarding problems about obtaining records and statistics in regards to crimes against cab drivers. 864-8294

Emil Lawrence addressed the issues of the search for the new police chief, tasers, and the issue of the cost of tasers.

Barbara Growth discussed concerns about probate department.

Unidentified read a verse from the bible.

Paulette Brown addressed the Commission regarding the homicide of her son Aubrey Abrakasa, Jr., and about solving the case of her son and asked for help.

Commissioner Hammer asked that Assistant Chief Shawyer come back and next week to follow-up.

Clyde addressed the Commission about Captain Greg Suhr.

Commissioner Morgan Gurano, Civil Service Commission, addressed the Commission in regards meeting held by the Civil Service Commission in regards to the recent Captain's Exam and explained that Commander Lazar did his job as a rater.

James Salinas, former Police Commissioner, discussed concerns regarding not having a meeting in the Latino community about the selection of the new police chief.

Steve, SEIU 1021, thanked the Commission for giving the SEIU the chance to give their input for the selection of the new police chief.

DISCUSSION AND POSSIBLE ACTION TO ACCEPT OR REJECT STIPULATED AGREEMENT ON CHARGES FILED AGAINST PATROL SPECIAL OFFICER ROBERTO ORTEGA, FILE NO. ALW C10-242

Ms. Ashley Worsham, Attorney at Law, representing the San Francisco Police Department presented the stipulated agreement.

Put over to March 16th.

GOVERNMENT DOCUMENTS DEPT

JUN - 2 2011

SAN FRANCISCO PUBLIC LIBRARY

REPORTS TO THE COMMISSION

a. **Chief's Report**

- **Report on crime statistics**
- **Review of recent activities**
- **Status report on preparation of SFPD's 2011-2012 budget**

Assistant Chief Shawyer reported on crime statistics and reported that there have been 15 homicides to date.

Commissioner Mazzucco explained that the budget was discussed on February 2nd, and on the calendar again on February 16th and the Commission has not voted to approve the budget. Assistant Chief Shawyer explained that a tentative budget has been received by the Mayor's Office.

Commissioner Slaughter explained that the budget is the Mayor's budget then went on to discuss the upcoming staff attrition for the Department and what can be done sooner than later.

Commissioner Hammer stated that cutting out academy classes from the budget is a concern.

Commissioner DeJesus explained that there are 300 police officers that are eligible to retire next year so it is a concern. She asked for a presentation in regards to retirement and the DROP program.

Commissioner Mazzucco asked that the budget be calendared on March 23rd.

Commissioner Kingsley asked about laterals versus people coming from the academy.

Commissioner Mazzucco would like numbers as to how many are eligible to retire and how many are in the DROP program so that the Department is not caught off guard.

b. **OCC Director's Report**

- **Review of recent activities**
- **Status report on preparation of OCC's 2011-2012 budget**

Director Hicks will provide the OCC statistics next week. Director Hicks stated that the OCC submitted its budget to the Controller's Office and discussed the reduction of the OCC's budget.

c. **Commission Reports**

- **Commission President's Report**
- **Commissioners' Reports**

Commissioner Mazzucco explained that the Commission has been extremely busy with the issues of mental health, less lethal weapons, and the search for the new police chief.

Commissioner Kingsley reported on attending the Taraval Station Lunar New Year celebration and reported back also on revamping the disciplinary process.

Commissioner Hammer reported on the meeting at the LGBT Center in regards to the police search and going out to district stations midnight watch and getting input from officers at the district stations.

Commissioner Mazzucco stated that he had about 40 officers in the Northern Station that spoke about the search for the new chief.

Commissioner Chan reported on the meeting at the Southeast Community Center in the Bayview.

PUBLIC COMMENT

Barbara Growth discussed concerns regarding new positions in the department and about not having money for new recruits.

ROUTINE ADMINISTRATIVE BUSINESS

a. Commission Announcements

b. Scheduling of items identified for consideration at future Commission Meetings

Commissioner Mazzucco discussed the joint meeting with the Public Safety Committee of the Board of Supervisors and that the time is premature to have a joint meeting now and suggested postponing that meeting until a new Chief is in place.

Commissioner Chan asked that a resolution be agendized for next week's meeting in regards to definition of community policing.

Commissioner Slaughter agreed with Commissioner Mazzucco that the meeting be postponed a few weeks until a new Chief is in place.

Commissioner Marshall agrees to not having the meeting because of the process and stated that it should be discussed by the full commission.

Commissioner DeJesus stated that the Commission should have the joint meeting because of the importance of community policing.

Commissioner Kingsley agrees to postpone the meeting and agrees that the community should be part of community policing.

Commissioner Hammer deferred to Supervisor Campos in light of the Commission's busy schedule.

Commissioner Mazzucco suggested having this meeting after the new chief is selected and asked to continue this joint meeting after three weeks and suggested not having a meeting on Wednesday, March 9th.

Motion by Commissioner Mazzucco to postpone this meeting until three to four weeks and not have a meeting on Wednesday, March 9th.

Motion by Commissioner Hammer to talk to Supervisor Campos to ask him to reschedule and if he agrees then postpone. Second by Commissioner DeJesus. Motion fails 3-4.

AYES: Commissioners DeJesus, Hammer, Chan
NAYS: Commissioners Mazzucco, Marshall, Kingsley, Slaughter

Motion by Commissioner Mazzucco to continue joint meeting, second by Commissioner Marshall. Approved 4-3.

AYES; Commissioners Mazzucco, Marshall, Kingsley, Slaughter
NAYS: Commissioners DeJesus, Hammer, Chan

Commissioner Slaughter asked Commissioner Mazzucco to inform the full Commission after he speaks with Supervisor Campos.

PUBLIC COMMENT

Barbara Growth discussed concerns.

Commissioner Kingsley would like to set date regarding the Commission's priorities.

PUBLIC COMMENT ON ALL MATTERS PERTAINING TO CLOSED SESSION

None

VOTE ON WHETHER TO HOLD CLOSED SESSION

Motion by Commissioner Hammer, second by Commissioner Marshall Approved 7-0.

CLOSED SESSION (7:30 p.m. – 8:10 p.m.)

c. **PERSONNEL EXCEPTION: Discussion and possible action to sustain or not sustain disciplinary charges filed in Case No. ALW C10-158, and decision to decide penalty, if necessary** (Resolution No. 11-31)

(PRESENT: Commissioners Mazzucco, Marshall, DeJesus, Chan, Hammer, Slaughter, Lieutenant Falvey, Risa Tom, Deputy City Attorney Blits, Assistant Chief Shawyer, Commander Mahoney, Attorney Worsham, Mr. Steve Johnson, Lt. Mahoney, Captain Corriea, and member involved)

Motion to recuse Commissioner Kingsley. Approved 7-0.

(Taken in shorthand form by Ms. Eastellar Bruihl, CSR.)

a. **PERSONNEL EXCEPTION: Assignment of Disciplinary Charges filed in Case No. JWA C11-035 to a Commissioner for taking of evidence on a date to be determined by the Commissioner** (Assigned to Commissioner Thomas Mazzucco, Resolution NO. 11-30)

(PRESENT: Commissioners Mazzucco, Marshall, DeJesus, Chan, Hammer, Slaughter, Lieutenant Falvey, Risa Tom, Deputy City Attorney M. Blits, Assistant Chief Shawyer, Commander Mahoney, Attorney Alden, Attorney Furst)

b. **PERSONNEL EXCEPTION: Discussion and possible action issue Police Commission subpoena in the matter of Case No. JWA C10-189**

(PRESENT: Commissioners Mazzucco, Marshall, DeJesus, Chan, Hammer, Slaughter, Lieutenant Falvey, Risa Tom, Deputy City Attorney Blits, Assistant Chief Shawyer, Commander Mahoney, Attorney J. Alden)

Motion by Commissioner Hammer, second by Commissioner Marshall. Approved 5-0.

d. **PERSONNEL EXCEPTION: Discussion and possible action to grant or deny Motion for Dismissal of Disciplinary Charges filed in Case Nos. KMO C08-127 & KMO C08-162 pursuant to Government Code Section 3304(d)**

Taken off calendar.

e. **PERSONNEL EXCEPTION: Status and calendaring of pending disciplinary cases**

(PRESENT: Commissioners Mazzucco, Marshall, DeJesus, Chan, Hammer, Slaughter, Lieutenant Falvey, Risa Tom, Deputy City Attorney Blits, Assistant Chief Shawyer)

No discussion

VOTE TO ELECT WHETHER TO DISCLOSE ANY OR ALL DISCUSSION HELD IN CLOSED SESSION

Motion by Commissioner Hammer, second by Commissioner Marshall for non disclosure. Approved 6-0

PUBLIC COMMENT ON ALL MATTERS PERTAINING TO CLOSED SESSION – PUBLIC EMPLOEE APPOINTMENT: CHIEF OF POLICE

None

VOTE ON WHETHER TO HOLD CLOSED SESSION

Motion by Commissioner Hammer, second by Commissioner Mazzucco. Approved 6-0.

CLOSED SESSION (8:15 p.m. to 8:30 p.m.)
PUBLIC EMPLOYEE APPOINTEMENT: Chief of Police
(PRESENT: Commissioners Mazzucco, Marshall, DeJesus, Chan, Hammer, Slaughter, Lieutenant Falvey, Risa Tom, Lieutenant Reilly)

VOTE TO ELECT WHETHER TO DISCLOSE DISCUSSION HELD IN CLOSED SESSION

Motion by Commissioner Hammer, second by Commissioner Chan for non disclosure. Approved 6-0.

ADJOURNMENT

Motion by Commissioner Hammer, second by Commissioner Mazzucco. Approved 5-0.

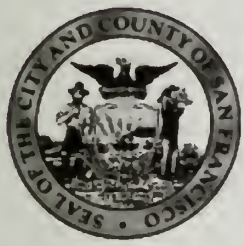
Thereafter, the meeting was adjourned at 8:35 p.m.

_____

Lieutenant Timothy Falvey
Secretary
San Francisco Police Commission

1071/rct

March 8, 2011 (Special Meeting)



Thomas Mazzucco President
Dr. Joe Marshall Vice President
Petra DeJesus Commissioner
James T. Hammer Commissioner
Angela Chan Commissioner
Carol Kingsley Commissioner
R. James Slaugher Commissioner
Lt.Timothy Falvey Secretary

SAN FRANCISCO POLICE COMMISSION

NOTICE OF SPECIAL MEETING

Tuesday, March 8, 2011

5:00 p.m.

THOMAS J. CAHILL HALL OF JUSTICE
850 Bryant Street, Room 505
San Francisco, California

(CLOSED SESSION)

GOVERNMENT DOCUMENTS DEPT
DEC 23 2013
SAN FRANCISCO PUBLIC LIBRARY

Roll Call.

1. Public Comment on all matters pertaining to Closed Session

2. Vote on whether to hold Closed Session pursuant to San Francisco Administrative Code Section 67.10 (ACTION ITE

3. Closed Session

Pursuant to Government Code section 54957(b) and San Francisco Administrative Code section 67.10(b):

PERSONNEL EXCEPTION: Public Employee appointment: Nomination of applicant(s) for Chief of Police

4. Possible report on action taken in Closed Session pursuant to Government Code section 54957.1 and San Francisco Administrative Code section 67.12(b) (REPORT)

5. Vote to elect whether to disclose any or all discussion held in closed session pursuant to Administrative Code section 67.112(a) (ACTION ITEM)

6. Adjournment (ACTION ITEM)

*** **SUPPORTING DOCUMENTATION FOR POLICE COMMISSION AGENDA ITEMS THAT ARE N CONFIDENTIAL AND DOCUMENTATION THAT HAVE BEEN DISTRIBUTED TO THE COMMISSION AFT DISTRIBUTION OF THE AGENDA PACKETS ARE AVAILABLE FOR REVIEW AT THE POLICE COMMISS OFFICE, THOMAS J. CAHILL HALL OF JUSTICE, 850 BRYANT STREET, ROOM 505, SAN FRANCISCO.**

City and County of San Francisco ©2000-2013

The Police Commission

CITY AND COUNTY OF SAN FRANCISCO

THOMAS MAZZUCCO
President

DR. JOE MARSHALL
Vice President

PETRA DEJESUS
Commissioner

ANGELA CHAN
Commissioner

JAMES HAMMER
Commissioner

CAROL KINGSLEY
Commissioner

R. JAMES SLAUGHTER
Commissioner

Lieutenant Timothy Falvey
Secretary

SAN FRANCISCO POLICE COMMISSION AGENDA
NO MEETING NOTICE

15
1
19/11
ancelled

The Police Commission will not meet on **Wednesday, March 9, 2011**.
Please join the Commission at its next meeting on

Wednesday, March 16, 2011
at 5:30 p.m.
at
City Hall, Room 400
San Francisco

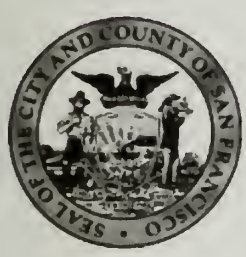
GOVERNMENT
DOCUMENTS DEPT

MAR - 4 2011

SAN FRANCISCO
PUBLIC LIBRARY

THOMAS J. CAHILL HALL OF JUSTICE, 850 BRYANT ST., RM. 505, SAN FRANCISCO, CA 94103-4603 (415) 553-1667 FAX (415) 553-1669

March 12, 2011 (Special Meeting)



Thomas Mazzucco President

Dr. Joe Marshall Vice President

Petra DeJesus
Commissioner

James T. Hammer
Commissioner

Angela Chan Commissioner

Carol Kingsley
Commissioner

R. James Slaugher Commissioner

Lt.Timothy Falvey Secretary

SAN FRANCISCO POLICE COMMISSION

NOTICE OF SPECIAL MEETING

Saturday, March 12, 2011

2:00 p.m.

THOMAS J. CAHILL HALL OF JUSTICE
850 Bryant Street, Room 505
San Francisco, California

(CLOSED SESSION)

GOVERNMENT
DOCUMENTS DEPT

DEC 23 2013

SAN FRANCISCO
PUBLIC LIBRARY

Roll Call.

1. Public Comment on all matters pertaining to Closed Session

2. Vote on whether to hold Closed Session pursuant to San Francisco Administrative Code Section 67.10 (ACTION ITE

3. Closed Session

Pursuant to Government Code section 54957(b) and San Francisco Administrative Code section 67.10(b):

PERSONNEL EXCEPTION: Public Employee appointment: Nomination of applicant(s) for Chief of Police

4. Possible report on action taken in Closed Session pursuant to Government Code section 54957.1 and San Francisco Administrative Code section 67.12(b) (REPORT)

5. Vote to elect whether to disclose any or all discussion held in closed session pursuant to Administrative Code section 67.112(a) (ACTION ITEM)

6. Adjournment (ACTION ITEM)

*** **SUPPORTING DOCUMENTATION FOR POLICE COMMISSION AGENDA ITEMS THAT ARE N CONFIDENTIAL AND DOCUMENTATION THAT HAVE BEEN DISTRIBUTED TO THE COMMISSION AFT DISTRIBUTION OF THE AGENDA PACKETS ARE AVAILABLE FOR REVIEW AT THE POLICE COMMISS OFFICE, THOMAS J. CAHILL HALL OF JUSTICE, 850 BRYANT STREET, ROOM 505, SAN FRANCISCO.**

City and County of San Francisco ©2000-2013

The Police Commission

CITY AND COUNTY OF SAN FRANCISCO

THOMAS MAZZUCCO
President

DR. JOE MARSHALL
Vice President

PETRA DEJESUS
Commissioner

ANGELA CHAN
Commissioner

JAMES HAMMER
Commissioner

CAROL KINGSLEY
Commissioner

R. JAMES SLAUGHTER
Commissioner

Lieutenant Timothy Falvey
Secretary

SAN FRANCISCO POLICE COMMISSION AGENDA

NOTICE OF SPECIAL MEETING & AGENDA

CITY HALL
#1 Dr. Carlton B. Goodlett Place, Room 421
San Francisco, California

TUESDAY, MARCH 15, 2011
3:00 P.M.

(CLOSED SESSION)

F
45
1
3/15/11
special

Roll Call.

1. Public Comment on all matters pertaining to Closed Session

2. Vote on whether to hold Closed Session pursuant to San Francisco Administrative Code Section 67.10 (ACTION ITEM)

3. Closed Session

   Pursuant to Government Code section 54957(b) and San Francisco Administrative Code section 67.10(b):
   PERSONNEL EXCEPTION: Public Employee appointment: Nomination of applicant(s) for Chief of Police

4. Possible report on action taken in Closed Session pursuant to Government Code section 54957.1 and San Francisco Administrative Code section 67.12(b) (REPORT)

5. Vote to elect whether to disclose any or all discussion held in closed session pursuant to Administrative Code section 67.112(a) (ACTION ITEM)

6. Adjournment (ACTION ITEM)

*** SUPPORTING DOCUMENTATION FOR POLICE COMMISSION AGENDA ITEMS THAT ARE NOT CONFIDENTIAL AND DOCUMENTATION THAT HAVE BEEN DISTRIBUTED TO THE COMMISSION AFTER DISTRIBUTION OF THE AGENDA PACKETS ARE AVAILABLE FOR REVIEW AT THE POLICE COMMISSION OFFICE, THOMAS J. CAHILL HALL OF JUSTICE, 850 BRYANT STREET, ROOM

GOVERNMENT
DOCUMENTS DEPT

MAR 11 2011

SAN FRANCISCO
PUBLIC LIBRARY

THOMAS J. CAHILL HALL OF JUSTICE, 850 BRYANT ST., RM. 505, SAN FRANCISCO, CA 94103-4603 (415) 553-1667 FAX (415) 553-1669

11-11 P 59 R

The Police Commission

CITY AND COUNTY OF SAN FRANCISCO

THOMAS MAZZUCCO
President

DR. JOE MARSHALL
Vice President

PETRA DEJESUS
Commissioner

ANGELA CHAN
Commissioner

JAMES HAMMER
Commissioner

CAROL KINGSLEY
Commissioner

R. JAMES SLAUGHTER
Commissioner

Lieutenant Timothy Falvey
Secretary

SAN FRANCISCO POLICE COMMISSION AGENDA
REGULAR MEETING
WEDNESDAY, MARCH 16, 2011
5:30 p.m.

CITY HALL, ROOM 400
#1 Dr. Carlton B. Goodlett Place
San Francisco, California

Pledge of Allegiance; Roll Call

1. **General Public Comment**
(The public is now welcome to address the Commission regarding items that do not appear on tonight's agenda but that are within the subject matter jurisdiction of the Commission. Speakers shall address their remarks to the Commission as a whole and not to individual Commissioners or Department or OCC personnel. Under Police Commission Rules of Order, during public comment, neither Police or OCC personnel, nor Commissioners are required to respond to questions presented by the public but, may provide a brief response. Individual Commissioners and Police and OCC personnel should refrain, however, from entering into any debates or discussion with speakers during public comment. Please limit your comments to three (3) minutes.)

15
1
/16/11

2. Discussion and possible action to adopt revised Department General Order 5.02, "Use of Firearms" (ACTION ITEM)

3. Discussion and possible action to accept or reject stipulated agreement on charges filed against Patrol Special Officer Roberto Ortega, File No. ALW C10-242 (ACTION ITEM)

4. **Reports and Announcements**
   a. Chief's report (DISCUSSION ONLY)
      - Report on crime statistics
      - Review of recent activities
   b. OCC Director's report (DISCUSSION ONLY)
      - Review of recent activities
      - Presentation of the OCC's Monthly Comprehensive Statistical Report for the periods of January 1, 2011 through February 28, 2011 and January 1, 2010 through February 28, 2010
   c. Commission reports (DISCUSSIONONLY)
      - Commission President's report
      - Commissioners' reports
      - Commission Announcements
   d. Commission Announcements and scheduling of items identified for consideration at future Commission meetings (DISCUSSION AND POSSIBLE ACTION)

03-11-11P12:59 RCVD

5. Public comment on all matters pertaining to Item 7 below, Closed Session – Disciplinary Cases, including public comment on vote whether to hold Item 7 in closed session.

6. Vote on whether to hold Item 7 in closed session (ACTION ITEM)

GOVERNMENT
DOCUMENTS DEPT

MAR 11 2011

SAN FRANCISCO
PUBLIC LIBRARY

The Police Commission

CITY AND COUNTY OF SAN FRANCISCO

THOMAS MAZZUCCO
President

DR. JOE MARSHALL
Vice President

PETRA DEJESUS
Commissioner

ANGELA CHAN
Commissioner

JAMES HAMMER
Commissioner

CAROL KINGSLEY
Commissioner

R. JAMES SLAUGHTER
Commissioner

Lieutenant Timothy Falvey
Secretary

SAN FRANCISCO POLICE COMMISSION AGENDA
REGULAR MEETING
WEDNESDAY, MARCH 16, 2011
5:30 p.m.

CITY HALL, ROOM 400
#1 Dr. Carlton B. Goodlett Place
San Francisco, CA

7. **Closed Session – Disciplinary Cases**
   a. Pursuant to Government Code Section 54957(b)(1) and San Francisco Administrative Code Section 67.10(b) and Penal Code Section 832.7:
   PERSONNEL EXCEPTION: Assignment of Disciplinary Charges filed in Case No. JWA C11-037 to a Commissioner for taking of evidence on a date to be determined by the Commissioner (ACTION ITEM)
   b. Pursuant to Government Code Section 54957(b)(1) and San Francisco Administrative Code Section 67.10(b) and Penal Code Section 832.7: PERSONNEL EXCEPTION: Discussion and possible action to sustain or not sustain disciplinary charges filed in Case No. KMO C10-161, and decision to decide penalty, if necessary (ACTION ITEM)
   c. Pursuant to Government Code Section 54957 and San Francisco Administrative Code Section 67.10(b) and Penal Code Section 832.7:
   PERSONNEL EXCEPTION: Discussion and possible action to sustain or not sustain disciplinary charges filed in Case No. JWA C10-186, and to decide penalty, if necessary (ACTION ITEM)
   The following time limits will apply:
   Department's Expert Witness Testimony: 20 minutes
   Officer's Expert Witness Testimony: 20 minutes
   d. Pursuant to Government Code Section 54957(b)(1) and San Francisco Administrative Code Section 67.10(b) and Penal Code Section 832.7:
   PERSONNEL EXCEPTION: Discussion and possible action to sustain or not sustain disciplinary charges filed in Case Nos. JWA C09-128 & JWA C10-046, and to decide penalty, if necessary (ACTION ITEM)
   e. Pursuant to Government Code Section 54957(b)(1) and San Francisco Administrative Code Section 67.10(b) and Penal Code Section 832.7:
   PERSONNEL EXCEPTION: Status and calendaring of pending disciplinary cases (DISCUSSION AND POSSIBLE ACTION)

(OPEN SESSION) Roll Call.

8. Vote to elect whether to disclose any or all discussion on Item6 held in closed session (San Francisco Administrative Code Section 67.12(a)) (ACTION ITEM)

9. Public comment on all matters pertaining to Item 11 below, Closed Session – Public Employee Appointment: Chief of Police, including public comment on vote whether to hold Item 11 in closed session

The Police Commission

CITY AND COUNTY OF SAN FRANCISCO

THOMAS MAZZUCCO
President

DR. JOE MARSHALL
Vice President

PETRA DEJESUS
Commissioner

ANGELA CHAN
Commissioner

JAMES HAMMER
Commissioner

CAROL KINGSLEY
Commissioner

R. JAMES SLAUGHTER
Commissioner

Lieutenant Timothy Falvey
Secretary

SAN FRANCISCO POLICE COMMISSION AGENDA
REGULAR MEETING
WEDNESDAY, MARCH 16, 2011
5:30 p.m.

CITY HALL, ROOM 400
#1 Dr. Carlton B. Goodlett Place
San Francisco, CA

10. Vote on whether to hold Item 11 in closed session (ACTION ITEM)

11. **Closed Session – PUBLIC EMPLOYEE APPOINTMENT: Chief of Police**
Discussion and evaluation of candidates for Chief of Police; possible action to submit nominees for Chief of Police to the Mayor, or to take other action related to selecting nominees for Chief of Police. This item may be held in closed session under Government Code Section 54957(b) and San Francisco Administrative Code Section 67.10(b). (DISCUSSION & POSSIBLE ACTION)

(OPEN SESSION) Roll Call.

12. Vote to elect whether to disclose any or all discussion on Item 11 held in closed session (San Francisco Administrative Code Section 67.12(a)) (ACTION ITEM)

13. Discussion and possible action to establish further procedures and/or timelines for selecting nominees to submit to the Mayor for Chief of Police, or to take other action related to selecting nominees for Chief of Police (DISCUSSION & POSSIBLE ACTION)

    Note – this item is included in the event the Commission wishes to discuss and take further action to establish procedures and/or timelines to select nominees to submit to the Mayor for Chief of Police, or to take other action related to selecting nominees for Chief of Police

14. **Adjournment** (ACTION ITEM)

SUPPORTING DOCUMENTATION FOR POLICE COMMISSION AGENDA ITEMS THAT ARE NOT CONFIDENTIAL AND DOCUMENTATION THAT HAVE BEEN DISTRIBUTED TO THE COMMISSION AFTER DISTRIBUTION OF THE AGENDA PACKETS ARE AVAILABLE FOR REVIEW AT THE POLICE COMMISSION OFFICE, THOMAS J. CAHILL HALL OF JUSTICE, 850 BRYANT STREET, ROOM 505, SAN FRANCISCO, CA 94103, DURING NORMAL BUSINESS HOURS. (415) 553-1667

SAN FRANCISCO POLICE COMMISSION
PUBLIC MEETING/HEARING ACCESSIBILITY INFORMATION

Communication accessibility services; including sign language interpreters or computer aided real time captioning will be made available upon advance request. Please call the Police Commission Office at 553-1667 (v) or 553-9194 (tty), at least 72 hours prior to a proceeding. Late requests will be honored if possible.

A **sound enhancement system** will be available on request at the proceeding.

Meeting agendas and other print materials will be made available in alternate formats (computer disk, via email, fax, large print) upon advance request at least 72 hours prior to a proceeding. Please call the Police Commission Office at 553-1667 (v) or 553-9194 (tty). Late requests will be honored if possible.

Individuals with severe allergies, environmental illness, multiple chemical sensitivity or related disabilities should call 553-1667 to discuss meeting accessibility. In order to assist the City's efforts to accommodate such people, attendees at public meetings are reminded that other attendees may be sensitive to various chemical based products.

The proceeding will be held at City Hall, Room 400, #1 Dr. Carlton B. Goodlett Place, San Francisco. The closest accessible BART station is the Civic Center Station. For information about MUNI service, please call 311.

Accessible parking are available on Carlton Goodlett Place, Grove Street, and Van Ness Avenue.

Accessible seating for persons with disabilities and wheelchairs will be available.

For information about the meeting, please call 553-1667(v) or 553-9194 (tty).

The Police Commission

CITY AND COUNTY OF SAN FRANCISCO

THOMAS MAZZUCCO
President

DR. JOE MARSHALL
Vice President

PETRA DEJESUS
Commissioner

ANGELA CHAN
Commissioner

JAMES HAMMER
Commissioner

CAROL KINGSLEY
Commissioner

R. JAMES SLAUGHTER
Commissioner

Lieutenant Timothy Falvey
Secretary

SAN FRANCISCO POLICE COMMISSION AGENDA

REGULAR MEETING

The Commission will hear public comment on all agenda items before or during discussion of the item.

The ringing of and use of cell phones, pagers and similar sound-producing electronic devices are prohibited at this meeting. Please be advised that the Chair may order the removal from the meeting room of any person(s) responsible for the ringing or use of a cell phone, pager, or other similar sound-producing electronic devices.

KNOW YOUR RIGHTS UNDER THE SUNSHINE ORDINANCE

(Chapter 67 of the San Francisco Administrative Code)

Government's duty is to serve the public, reaching its decisions in full view of the public.

Commissions, boards, councils, and other agencies of the City and County exist to conduct the people's business. This ordinance assures that deliberations are conducted before the people and that City operations are open to the people's review.

FOR MORE INFORMATION ON YOUR RIGHTS UNDER THE SUNSHINE ORDINANCE OR TO REPORT VIOLATION OF THE ORDINANCE, CONTACT THE SUNSHINE ORDINANCE TASK FORCE: ADMINISTRATOR, CITY HALL, ROOM 244, #1 DR. CARLTON B. GOODLETT PLACE, SAN FRANCISCO, CA 94102-4689; OFFICE (415) 554-5163. COPIES OF THE SUNSHINE ORDINANCE CAN BE OBTAINED FROM THE CLERK OF THE SUNSHINE TASK FORCE, THE SAN FRANCISCO PUBLIC LIBRARY, AND ON THE CITY'S WEBSITE AT www.ci.sf.ca.us/bdsupvrs/sunshine

Lobbyist Registration and Reporting Requirements
Individuals and entities that influence or attempt to influence local legislative or administrative action may be required by the San Francisco Lobbyist Ordinance [SF Campaign & Government Code §2.100] to register and report lobbying activity. For more information about the Lobbyist Ordinance, please contact the San Francisco Ethics Commission at 30 Ness Avenue, Suite 3900, San Francisco, CA 94102; telephone (415) 581-2300; fax (415) 581-2317; webs site www.sfgov.org/ethics.

MARCH 16, 2011 REGULAR MEETING

The Police Commission of the City and County of San Francisco met in Room 400, City Hall, #1 Dr. Carlton B. Goodlett Place, San Francisco, at 5:36 p.m.

PRESENT: Commissioners Mazzucco, Marshall, Chan, DeJesus, Hammer, Kingsley, Slaughter

(Commissioner Mazzucco arrived at 5:37 p.m. Commissioner Hammer arrived at 5:50 p.m. Commissioner Hammer is excused at 7:20 p.m.)

PUBLIC COMMENT

Christine Harris discussed concerns regarding being stalked by Raj Naicher and played a recorded message.

Marlon Crump discussed concerns regarding Raj Naicher.

Ray Hartz, SF Open Government, discussed concerns regarding Commission meetings and having the public speak freely.

Cathy Castro discussed concerns regarding unlicensed drivers and undocumented individuals and issue regarding harassment.

Durell Hunter discussed widespread corruption in the police department and being sent to jail and concerns regarding Officer Reese Burrows.

John, SF taxicab driver, discussed concerns regarding taxicab driver safety and robberies against taxicab drivers.

Clyde commended the Commission for work done during the police search and discussed concerns regarding incident involving the Southern Station officers.

DISCUSSION AND POSSIBLE ACTION TO ADOPT REVISED DEPARTMENT GENERAL ORDER 5.02, "USE OF FIREARMS"

Commander Mahoney presented revised DGO 5.02.

Director Hicks stated that the OCC have reached concurrence with the Department and talked about language recommendations for training of officers.

Commissioner Hammer explained the purpose of this department general order.

PUBLIC COMMENT
None

Motion by Commissioner Hammer to adopt the revised DGO, second by Commissioner Slaughter. Approved 7-0.

RESOLUTION NO. 11-32

ADOPTION OF REVISED DEPARTMENT GENERAL ORDER 5.02, "USE OF FIREARMS"

RESOLVED, that the Police Commission hereby adopts revised Department General Order 5.02, "Use of Firearms" (draft dated 03/16/11).

AYES: Commissioners Mazzucco, Marshall, DeJesus, Chan, Hammer, Kingsley, Slaughter

DISCUSSION AND POSSIBLE ACTION TO ACCEPT OR REJECT STIPULATED AGREEMENT ON CHARGES FILED AGAINST PATROL SPECIAL OFFICER ROBERTO ORTEGA, FILE NO. ALW C10-242

Ms. Ashley Worsham, Attorney at Law, representing the San Francisco Police Department, presented the stipulated agreement.

Mr. Louis Silver, Attorney at Law, representing PSO Ortega who was present.

GOVERNMENT DOCUMENTS DEPT
JUN - 2 2011
SAN FRANCISCO PUBLIC LIBRARY

Commissioner Hammer discussed concerns regarding language of allegations against PSO Ortega.

Ms. Worsham stated the Department agrees that specification no. 2 be dismissed but that the department feels strongly that the allegations in specification no. 1 is supported by the actions of PSO Ortega in the early morning in question.

Commissioner Slaughter expressed concerns regarding the specification for associating with somebody and getting in a car and going into a bar is a huge concern.

Commissioner Chan stated that the conduct does not merit discipline and moved that both specifications be dismissed.

Commissioner DeJesus stated that the Department does not have enough to support the allegations.

Commissioner Marshall asked how did it come about to a stipulated agreement.

Mr. Silver stated that procedurally the only way to get this to the full Commission is through a hearing and that the department is not willing to dismiss the charges, and in order to circumvent this process, he agreed to the stipulated agreement but stated that PSO Ortega welcomes a motion to dismiss.

Commissioner Chan amended her motion to reject the stipulated agreement and move to dismiss specifications.

Commissioner Kingsley stated that it is the series of events that lead the Department to the specifications and not the association and stated that the process itself has addressed the concern and have sent a message to PSO Ortega.

Commissioner Marshall stated that he has a problem as to dismissing the specifications without hearing the evidence.

Commissioner Mazzucco stated that the disposition should be to withdraw the charges.

Ms. Worsham stated that the Department is not amendable to dismissing the charges but would like it to be returned back to the Chief's level.

Commissioner Mazzucco asked if the Commission would like to amend the agreement to verbal admonishment.

Commissioner Hammer moved that the stipulation be returned to the Chief's level.

Parties agree to modify agreement to return to the Chief's level.

Motion by Commissioner Hammer, second by Commissioner Kingsley. Approved 7-0.

RESOLUTION NO. 11-33

APPROVAL OF THE STIPULATED AGREEMENT TO RETURN DISCIPLINARY CHARGES FILED AGAINST ASSISTANT PATROL SPECIAL OFFICER ROBERTO ORTEGA, STAR NO. 2608, (FILE NO. ALW C10-242), TO THE POLICE CHIEF'S LEVEL

RESOLVED, that the Police Commission hereby approves the stipulated agreement between the parties to return disciplinary charges filed against Assistant Patrol Special Officer Roberto Ortega, Star No. 2608, to the Chief's level to be handled administratively; and

FURTHER RESOLVED, that said disciplinary charges filed against Assistant Patrol Special Officer Roberto Ortega be taken off calendar.

AYES: Commissioners Mazzucco, Marshall, DeJesus, Chan, Hammer, Kingsley, Slaughter

REPORTS TO THE COMMISSION

a. **Chief's Report**
- **Report on crime statistics**
- **Review of recent activities**

Assistant Chief Shawyer reported on crime statistics and reported that homicides exceeded last year's 9 to 17.

Commissioner Marshall asked about the recent Mission shootings. Captain Corrales talked about recent shootings two nights ago.

b. **OCC Director's Report**
- **Review of recent activities**
- **Presentation of the OCC's Monthly Comprehensive Statistical Report for the periods of January 1, 2011 through February 28, 2011 and January 1, 2010 through February 28, 2010**

Director Hicks presented the OCC's February case statistics.

c. **Commission Reports**
- **Commission President's Report**
- **Commissioners' Reports**

Commissioner Mazzucco announced that the Commission has forwarded the names for the Police Chief to Mayor Lee and went on to thank the Commission for their hard work during the past weeks.

Commissioner Kingsley thanked Commissioner Mazzucco for his leadership in this process.

Commissioner Marshall thanked Commissioner Mazzucco for his leadership in this process.

d. **Commission Announcements and scheduling of items identified for consideration at future Commission meetings**

Commissioner Chan announced that she will be in Memphis next week along with several doctors and asked that the CIT be on the calendar for April 6th and her resolution supporting the definition of community policing be set for April 6th.

Commissioner DeJesus asked about DGOs 5.17 and 8.10. Commander Mahoney reported on status of these two DGOs.

Commissioner Hammer asked about regulation on status of DNA testing and to pick a date to discuss Patrol Specials and discuss the draft about hearing rules.

PUBLIC COMMENT

Ray Hartz, SF Open Government, discussed the OCC's report and about him filing a complaint and about going through the OCC before filing a lawsuit. He also went on to talk about the Chief selection process.

Emil Lawrence discussed his public records request and not having documents released to him.

PUBLIC COMMENT ON ALL MATTERS PERTAINING TO CLOSED SESSION

Ray Hartz, SF Open Government, discussed allowing the public to participate in an officer's hearing.

VOTE ON WHETHER TO HOLD CLOSED SESSION

Motion by Commissioner Kingsley , second by Commissioner Chan. Approved 7-0.

CLOSED SESSION (7:15p.m. – 8:50 p.m.)

a. **PERSONNEL EXCEPTION: Assignment of disciplinary charges filed in Case No. JWA C11-037 to a Commission for taking of evidence on a date to be determined by the Commissioner** (Assigned to Commissioner Joe Marshall, Resolution No. 11-34)

(PRESENT: Commissioners Mazzucco, Marshall, DeJesus, Chan, Hammer Kingsley, Slaughter, Lieutenant Falvey, Risa Tom, Deputy City Attorney Blits, Assistant Chief Shawyer, Commander Mahoney, Attorney Hechler, Attorney L. Stiglich, Mr. Steve Johnson)

b. **PERSONNEL EXCEPTION: Discussion and possible action to sustain or not sustain disciplinary charges filed in Case No. KMO C10-161, and to decide penalty, if necessary** (Resolution No. 11-35)

(PRESENT: Commissioners Mazzucco, Marshall, DeJesus, Chan, Kingsley, Slaughter, Lieutenant Falvey, Risa Tom, Deputy City Attorney Blits, Assistant Chief Shawyer, Commander Mahoney, Attorney Hechler, Attorney L. Stiglich, Mr. Steve Johnson, and member involved)

Motion by Commissioner Kingsley to return this matter to the Chief's level, second by Commissioner Slaughter. Approved 6-0.

c. **PERSONNEL EXCEPTION: Discussion and possible action to sustain or not sustain disciplinary charges filed in case No. JWA C10-186, and to decide penalty, if necessary** (Resolution No. 11-36)

(PRESENT: Commissioners Mazzucco, Marshall, DeJesus, Chan, Kingsley, Slaughter, Lieutenant Falvey, Risa Tom, Deputy City Attorney Blits, Assistant Chief Shawyer, Attorney Hechler, Attorney M. Hinckley, Attorney L. Stiglich, Mr. Steve Johnson, and member involved)

Motion to accept stipulated disposition, second by Commissioner Marshall. Approved 6-0.

d. **PERSONNEL EXCEPTION: Discussion and possible action to sustain or not sustain disciplinary charges filed in Case Nos. JWA C09-128 & JWA C10-046, and to decide penalty, if necessary**

(PRESENT: Commissioners Mazzucco, Marshall, DeJesus, Chan, Kingsley, Slaughter, Lieutenant Falvey, Risa Tom, Deputy City Attorney Blits, Assistant Chief Shawyer, Attorney Hechler, Attorney M. Hinckley, Attorney L. Stiglich, Mr. Steve Johnson, and member involved)

Put over for penalty phase to April 13th.

(Taken in shorthand form by Ms. Eastellar Bruihl, CSR.)

VOTE TO ELECT WHETHER TO DISCLOSE ANY OR ALL DISCUSSION HELD IN CLOSED SESSION

Motion by Commissioner Mazzucco, second by Commissioner Marshall for non disclosure. Approved 6-0.

Captain Corrales, Mission Station, addressed the Commission in regards to member involved.

CLOSED SESSION – PUBLIC EMPLOYEE APPOINTEMENT - Chief of Police

Taken off calendar.

ADJOURNMENT

Motion by Commissioner DeJesus, second by Commissioner Marshall . Approved 6-0.

Thereafter, the meeting was adjourned at 8:55 p.m.

_____

Lieutenant Timothy Falvey
Secretary
San Francisco Police Commission

1071/rct

The Police Commission

CITY AND COUNTY OF SAN FRANCISCO

THOMAS MAZZUCCO
President

DR. JOE MARSHALL
Vice President

PETRA DEJESUS
Commissioner

ANGELA CHAN
Commissioner

JAMES HAMMER
Commissioner

CAROL KINGSLEY
Commissioner

R. JAMES SLAUGHTER
Commissioner

Lieutenant Timothy Falvey
Secretary

SAN FRANCISCO POLICE COMMISSION AGENDA
REGULAR MEETING
WEDNESDAY, MARCH 23, 2011
5:30 p.m.

CITY HALL, ROOM 400
#1 Dr. Carlton B. Goodlett Place
San Francisco, California

Pledge of Allegiance; Roll Call

45
1
/23/11

1. **General Public Comment**
(The public is now welcome to address the Commission regarding items that do not appear on tonight's agenda but that are within the subject matter jurisdiction of the Commission. Speakers shall address their remarks to the Commission as a whole and not to individual Commissioners or Department or OCC personnel. Under Police Commission Rules of Order, during public comment, neither Police or OCC personnel, nor Commissioners are required to respond to questions presented by the public but, may provide a brief response. Individual Commissioners and Police and OCC personnel should refrain, however, from entering into any debates or discussion with speakers during public comment. Please limit your comments to three (3) minutes.)

2. Public comment on all matters pertaining to Item 4 below, Closed Session – Disciplinary Cases, including public comment on vote whether to hold Item 4 in closed session.

3. Vote on whether to hold Item 4 in closed session (ACTION ITEM)

4. **Closed Session – Disciplinary Cases**
   a. Pursuant to Government Code Section 54957(b)(1) and San Francisco Administrative Code Section 67.10(b) and Penal Code Section 832.7:
   PERSONNEL EXCEPTION: Discussion and possible action to issue Police Commission subpoenas in the matter of Case No. ALW C09-076 (ACTION ITEM)
   b. Pursuant to Government Code Section 54957(b)(1) and San Francisco Administrative Code Section 67.10(b) and Penal Code Section 832.7:
   PERSONNEL EXCEPTION: Status and calendaring of pending disciplinary cases (DISCUSSION AND POSSIBLE ACTION)

(OPEN SESSION) Roll Call.

5. Vote to elect whether to disclose any or all discussion on Item 4 held in closed session (San Francisco Administrative Code Section 67.12(a)) (ACTION ITEM)

6. Status report on preparation of SFPD's 2011-2012 budget, possible action to provide instruction to the Department or take other action on the budget (DISCUSSION AND POSSIBLE ACTION)

GOVERNMENT
DOCUMENTS DEPT

MAR 21 2011

SAN FRANCISCO
PUBLIC LIBRARY

THOMAS J. CAHILL HALL OF JUSTICE, 850 BRYANT ST., RM. 505, SAN FRANCISCO, CA 94103-4603 (415) 553-1667 FAX (415) 553-1669

03-21-11A08:31 RCVD

The Police Commission

CITY AND COUNTY OF SAN FRANCISCO

THOMAS MAZZUCCO
President

DR. JOE MARSHALL
Vice President

PETRA DEJESUS
Commissioner

ANGELA CHAN
Commissioner

JAMES HAMMER
Commissioner

CAROL KINGSLEY
Commissioner

R. JAMES SLAUGHTER
Commissioner

Lieutenant Timothy Falvey
Secretary

SAN FRANCISCO POLICE COMMISSION AGENDA
REGULAR MEETING
WEDNESDAY, MARCH 23, 2011
5:30 p.m.

CITY HALL, ROOM 400
#1 Dr. Carlton B. Goodlett Place
San Francisco, California

7. **Reports and Announcements**
   a. Chief's report (DISCUSSION ONLY)
      - Report on crime statistics
      - Review of recent activities
      - Status report regarding violence prevention efforts in the Mission District
   b. OCC Director's report (DISCUSSION ONLY)
      - Review of recent activities
   c. Commission reports (DISCUSSIONONLY)
      - Commission President's report
      - Commissioners' reports
   d. Commission Announcements, scheduling of items identified for consideration at future Commission meetings, and scheduling of future district Commission meetings (ACTION ITEM)

8. **Adjournment** (ACTION ITEM)

SUPPORTING DOCUMENTATION FOR POLICE COMMISSION AGENDA ITEMS THAT ARE NOT CONFIDENTIAL AND DOCUMENTATION THAT HAVE BEEN DISTRIBUTED TO THE COMMISSION AFTER DISTRIBUTION OF THE AGENDA PACKETS ARE AVAILABLE FOR REVIEW AT THE POLICE COMMISSION OFFICE, THOMAS J. CAHILL HALL OF JUSTICE, 850 BRYANT STREET, ROOM 505, SAN FRANCISCO, CA 94103, DURING NORMAL BUSINESS HOURS. (415) 553-1667

The Police Commission

CITY AND COUNTY OF SAN FRANCISCO

THOMAS MAZZUCCO
President

DR. JOE MARSHALL
Vice President

PETRA DEJESUS
Commissioner

ANGELA CHAN
Commissioner

JAMES HAMMER
Commissioner

CAROL KINGSLEY
Commissioner

R. JAMES SLAUGHTER
Commissioner

Lieutenant Timothy Falvey
Secretary

SAN FRANCISCO POLICE COMMISSION AGENDA

REGULAR MEETING

The Commission will hear public comment on all agenda items before or during discussion of the item.

The ringing of and use of cell phones, pagers and similar sound-producing electronic devices are prohibited at this meeting. Please be advised that the Chair may order the removal from the meeting room of any person(s) responsible for the ringing or use of a cell phone, pager, or other similar sound-producing electronic devices.

KNOW YOUR RIGHTS UNDER THE SUNSHINE ORDINANCE

(Chapter 67 of the San Francisco Administrative Code)

Government's duty is to serve the public, reaching its decisions in full view of the public.

Commissions, boards, councils, and other agencies of the City and County exist to conduct the people's business. This ordinance assures that deliberations are conducted before the people and that City operations are open to the people's review.

FOR MORE INFORMATION ON YOUR RIGHTS UNDER THE SUNSHINE ORDINANCE OR TO REPORT VIOLATION OF THE ORDINANCE, CONTACT THE SUNSHINE ORDINANCE TASK FORCE: ADMINISTRATOR, CITY HALL, ROOM 244, #1 DR. CARLTON B. GOODLETT PLACE, SAN FRANCISCO, CA 94102-4689; OFFICE (415) 554-5163. COPIES OF THE SUNSHINE ORDINANCE CAN BE OBTAINED FROM THE CLERK OF THE SUNSHINE TASK FORCE, THE SAN FRANCISCO PUBLIC LIBRARY, AND ON THE CITY'S WEBSITE AT www.ci.sf.ca.us/bdsupvrs/sunshine

Lobbyist Registration and Reporting Requirements
Individuals and entities that influence or attempt to influence local legislative or administrative action may be required by the San Francisco Lobbyist Ordinance [SF Campaign & Government Code §2.100] to register and report lobbying activity. For more information about the Lobbyist Ordinance, please contact the San Francisco Ethics Commission at 30 Ness Avenue, Suite 3900, San Francisco, CA 94102; telephone (415) 581-2300; fax (415) 581-2317; webs site www.sfgov.org/ethics.

SAN FRANCISCO POLICE COMMISSION
PUBLIC MEETING/HEARING ACCESSIBILITY INFORMATION

Communication accessibility services; including sign language interpreters or computer aided real time captioning will be made available upon advance request. Please call the Police Commission Office at 553-1667 (v) or 553-9194 (tty), at least 72 hours prior to a proceeding. Late requests will be honored if possible.

A **sound enhancement system** will be available on request at the proceeding.

Meeting agendas and other print materials will be made available in alternate formats (computer disk, via email, fax, large print) upon advance request at least 72 hours prior to a proceeding. Please call the Police Commission Office at 553-1667 (v) or 553-9194 (tty). Late requests will be honored if possible.

Individuals with severe allergies, environmental illness, multiple chemical sensitivity or related disabilities should call 553-1667 to discuss meeting accessibility. In order to assist the City's efforts to accommodate such people, attendees at public meetings are reminded that other attendees may be sensitive to various chemical based products.

The proceeding will be held at City Hall, Room 400, #1 Dr. Carlton B. Goodlett Place, San Francisco. The closest accessible BART station is the Civic Center Station. For information about MUNI service, please call 311.

Accessible parking are available on Carlton Goodlett Place, Grove Street, and Van Ness Avenue.

Accessible seating for persons with disabilities and wheelchairs will be available.

For information about the meeting, please call 553-1667(v) or 553-9194 (tty).

MARCH 23, 2011 REGULAR MEETING

The Police Commission of the City and County of San Francisco met in Room 400, City Hall, #1 Dr. Carlton B. Goodlett Place, San Francisco, at 5:30 p.m.

PRESENT: Commissioners Mazzucco, Marshall, DeJesus, Kingsley, Slaughter
ABSENT: Commissioners Chan, Hammer

(Commissioner DeJesus arrived at 5:40 p.m.)

PUBLIC COMMENT

Emil Lawrence addressed the Commission in regards to budget and his public records request to Sheriff Hennessey. He provided copies of his letter to Sheriff Hennessey, dated march 2, 2011, to the Commission.

David Schnieder discussed an article on the Examiner regarding taxi cabs and statistics on crime against taxicab drivers and provided copies of petition to the Commission.

Chief Godown stated that he was also concern when he saw the article and will work to get that statistics.

Marlon Crump read a statement written by a 14-year old in regards to actions by officers entering their SRO without a search warrant and expressed concerns.

Beverly Upton, Kathy Backstrum, Domestic Violence Consortium, thanked the Department regarding implementation of policies and changing of codes in regards to elder abuse, child abuse, and domestic violence.

STATUS REPORT ON PREPARATION OF SFPD'S 2011-2012 BUDGET, POSSIBLE ACTION TO PROVIDE INSTRUCTION TO THE DEPARTMENT OR TAKE OTHER ACTIN ON THE BUDGET

Taken out of order.

Ms. Deborah Landis presented the SFPD's 2011-2012 budget.

Commissioner Slaughter asked about staffing levels and what is being done to replenish staffing. Ms. Landis stated that somewhere around 100 retirements for next year which will get staffing to about 2129.

Chief Godown that the Department will hire about 19 laterals and that there is no money for new officers in this budget.

Ms. Alice Villagomez, Human Resources Director, explained that average attrition is approximately 100 officers and will continue over the next several years and there are 479 officers that can retire and may grow to 598 officers that can retire over the next few years.

Commissioner Slaughter is concern that there are 25 percent reduction in force over the next few years with no academy classes anticipated.

Chief Godown stated that in order to maintain staffing levels, the Department needs two academy classes every year.

Ms. Landis stated that it will cost approximately $5 million to start an academy class by September.

Commissioner Mazzucco asked about asking the officers about taking a 10 percent pay cut. Ms. Villagomez stated that under the current concessions between the POA and a number of employee organizations, employees that retire during negotiations get their retirement at their restored salaries.

Commissioner Mazzucco recommended having retired members come back part time. Ms. Villagomez stated that the issue with that is also funding.

PUBLIC COMMENT

GOVERNMENT DOCUMENTS DEPT
JUN - 2 2011
SAN FRANCISCO PUBLIC LIBRARY

Emil Lawrence discussed concerns regarding the budget and salaries of police officers.

Barbara Growth discussed concerns regarding the top brass.

Commissioner Mazzucco explained that officers are paid well because of the job that they have to do and those officers earn every penny of their pensions.

PUBLIC COMMENT ON ALL MATTERS PERTAINING TO CLOSED SESSION

None

VOTE ON WHETHER TO HOLD CLOSED SESSION

Motion by Commissioner Slaughter, second by Commissioner Kingsley. Approved 5-0.

CLOSED SESSION (6:40 p.m. to 6:55 p.m.)

a. **PERSONNEL EXCEPTION: Discussion and possible action to issue Police Commission subpoenas in the matter of Case No. ALW C09-076**

(PRESENT: Commissioners Mazzucco, Marshall, DeJesus, Kingsley, Slaughter, Lieutenant Falvey, Risa Tom, Chief Godown, Assistant Chief Shawyer, Commander Mahoney, Deputy City Attorney Porter, Attorney Hechler)

Motion by Commissioner Mazzucco to grant the subpoenas, second by Commissioner Marshall. Approved 5-0.

b. **PERSONNEL EXCEPTION: Status and calendaring of pending disciplinary cases**

(PRESENT: Commissioners Mazzucco, Marshall, DeJesus, Kingsley, Slaughter, Lieutenant Falvey, Risa Tom, Chief Godown, Assistant Chief Shawyer, Commander Mahoney, Deputy City Attorney Porter)

VOTE TO ELECT WHETHER TO DISCLOSE ANY OR ALL DISCUSSION HELD IN CLOSED SESSION

Motion by Commissioner Marshall, second by Commissioner Slaughter for non disclosure. Approved 5-0.

REPORTS TO THE COMMISSION

a. **Chief's Report**
- **Report on crime statistics**
- **Review of recent activities**

Chief Godown gave a brief update on crime statistics.

b. **OCC Director's Report**
- **Review of recent activities**

Mr. Charles Galman, for Director Hicks, has no report.

c. **Commission Reports**
- **Commission President's Report**
- **Commissioners' Reports**

No report from the president.

Commissioner Kingsley reported that she has a meeting with the Department and the OCC in regards to the hearing rules.

d. **Commission Announcements , scheduling of items identified for consideration at future Commission meetings, and scheduling of future district Commission meetings**

Commissioner Kingsley suggested discussing, before the Mayor announce his choice, what the Commission's expectations are of the new police chief.

Commissioner Slaughter is concerned of the time frame as to the request of Commissioner Kingsley.

Commissioner DeJesus agrees with Commissioner Kingsley and requested a short summary as to what the expectations of the Commission are for the new chief of police.

PUBLIC COMMENT

Barbara Growth discussed concerns.

ADJOURNMENT

Motion by Commissioner Kingsley, second by Commissioner Marshall. Approved 5-0.

Thereafter, the meeting was adjourned at 7:15 p.m.

_____

Lieutenant Timothy Falvey
Secretary
San Francisco Police Commission

1071/rct

The Police Commission

CITY AND COUNTY OF SAN FRANCISCO

THOMAS MAZZUCCO
President

DR. JOE MARSHALL
Vice President

PETRA DEJESUS
Commissioner

ANGELA CHAN
Commissioner

JAMES HAMMER
Commissioner

CAROL KINGSLEY
Commissioner

R. JAMES SLAUGHTER
Commissioner

Lieutenant Timothy Falvey
Secretary

SAN FRANCISCO POLICE COMMISSION AGENDA
REGULAR MEETING
WEDNESDAY, MARCH 30, 2011
5:30 p.m.

CITY HALL, ROOM 400
#1 Dr. Carlton B. Goodlett Place
San Francisco, California

Pledge of Allegiance; Roll Call

1. **Consent Calendar** (RECEIVE & FILE; ACTION ITEM)
   - Secure Communities Monthly Audit; time period of September through October 2010, November through December 2010, and January through February 2011
   - Request of Captain John Joseph Garrity to accept a gift of jacket, valued at approximately $150.00, from Mr. Larry Sechuk, Loss Prevention & Special Operations for Corp. Macy's New York

2. **General Public Comment**
   (The public is now welcome to address the Commission regarding items that do not appear on tonight's agenda but that are within the subject matter jurisdiction of the Commission. Speakers shall address their remarks to the Commission as a whole and not to individual Commissioners or Department or OCC personnel. Under Police Commission Rules of Order, during public comment, neither Police or OCC personnel, nor Commissioners are required to respond to questions presented by the public but, may provide a brief response. Individual Commissioners and Police and OCC personnel should refrain, however, from entering into any debates or discussion with speakers during public comment. Please limit your comments to three (3) minutes.)

3. Status report on preparation of OCC's 2011-2012 budget, possible action to provide instruction to the OCC or take other action on the budget (DISCUSSION AND POSSIBLE ACTION)

4. Discussion to review status of the Commission's priority list and possible action to reprioritize items (ACTION ITEM)

5. **Reports and Announcements**
   a. Chief's report (DISCUSSION ONLY)
      - Report on crime statistics
      - Review of recent activities
      - Status report regarding violence prevention efforts in the Mission District
      - Status report regarding DNA testing backlog
   b. OCC Director's report (DISCUSSION ONLY)
      - Review of recent activities
   c. Commission reports (DISCUSSIONONLY)
      - Commission President's report
      - Commissioners' reports
   d. Commission Announcements, scheduling of items identified for consideration at future Commission meetings, and scheduling of future district Commission meetings (ACTION ITEM)

03-25-11P02:06 RCVD

GOVERNMENT
DOCUMENTS DEPT

MAR 25 2011

SAN FRANCISCO
PUBLIC LIBRARY

The Police Commission

CITY AND COUNTY OF SAN FRANCISCO

THOMAS MAZZUCCO
President

DR. JOE MARSHALL
Vice President

PETRA DEJESUS
Commissioner

ANGELA CHAN
Commissioner

JAMES HAMMER
Commissioner

CAROL KINGSLEY
Commissioner

R. JAMES SLAUGHTER
Commissioner

Sergeant Timothy Falvey
Secretary

SAN FRANCISCO POLICE COMMISSION AGENDA
REGULAR MEETING
WEDNESDAY, MARCH 30, 2011
5:30 p.m.

CITY HALL, ROOM 400
#1 Dr. Carlton B. Goodlett Place
San Francisco, California

6. Public comment on all matters pertaining to Item 8 below, Closed Session – Disciplinary Cases, including public comment on vote whether to hold Item 8 in closed session.

7. Vote on whether to hold Item 8 in closed session (ACTION ITEM)

8. **Closed Session – Disciplinary Cases**
Roll Call;
   a. Pursuant to Government Code Section 54957(b)(1) and San Francisco Administrative Code Section 67.10(b) and Penal Code Section 832.7:
   PERSONNEL EXCEPTION: Discussion and possible action to sustain or not sustain disciplinary charges filed in Case No. IVF C09-143, and to decide penalty, if necessary (ACTION ITEM)
   b. Pursuant to Government Code Section 54957(b)(1) and San Francisco Administrative Code Section 67.10(b) and Penal Code Section 832.7:
   PERSONNEL EXCEPTION: Discussion and possible action to sustain or not sustain disciplinary charges filed in Case No. IVF C10-219, and to decide penalty, if necessary (ACTION ITEM)
   c. Pursuant to Government Code Section 54957(b)(1) and San Francisco Administrative Code Section 67.10(b) and Penal Code Section 832.7:
   PERSONNEL EXCEPTION: Discussion and possible action to sustain or not sustain disciplinary charges filed in Case No. IVF C10-220, and to decide penalty, if necessary (ACTION ITEM)
   d. Pursuant to Government Code Section 54957(b)(1) and San Francisco Administrative Code Section 67.10(b) and Penal Code Section 832.7:
   PERSONNEL EXCEPTION: Status and calendaring of pending disciplinary cases (DISCUSSION AND POSSIBLE ACTION)

(OPEN SESSION) Roll Call.

9. Vote to elect whether to disclose any or all discussion on Item 8 held in closed session (San Francisco Administrative Code Section 67.12(a)) (ACTION ITEM)

10. **Adjournment** (ACTION ITEM)

** SUPPORTING DOCUMENTATION FOR POLICE COMMISSION AGENDA ITEMS THAT ARE NOT CONFIDENTIAL AND DOCUMENTATION THAT HAVE BEEN DISTRIBUTED TO THE COMMISSION AFTER DISTRIBUTION OF THE AGENDA PACKETS ARE AVAILABLE FOR REVIEW AT THE POLICE COMMISSION OFFICE, THOMAS J. CAHILL HALL OF JUSTICE, 850 BRYANT STREET, ROOM 505, SAN FRANCISCO, CA 94103, DURING NORMAL BUSINESS HOURS. (415) 553-1667

The Police Commission

CITY AND COUNTY OF SAN FRANCISCO

THOMAS MAZZUCCO
President

DR. JOE MARSHALL
Vice President

PETRA DEJESUS
Commissioner

ANGELA CHAN
Commissioner

JAMES HAMMER
Commissioner

CAROL KINGSLEY
Commissioner

R. JAMES SLAUGHTER
Commissioner

Lieutenant Timothy Falvey
Secretary

SAN FRANCISCO POLICE COMMISSION AGENDA

REGULAR MEETING

The Commission will hear public comment on all agenda items before or during discussion of the item.

The ringing of and use of cell phones, pagers and similar sound-producing electronic devices are prohibited at this meeting. Please be advised that the Chair may order the removal from the meeting room of any person(s) responsible for the ringing or use of a cell phone, pager, or other similar sound-producing electronic devices.

KNOW YOUR RIGHTS UNDER THE SUNSHINE ORDINANCE

(Chapter 67 of the San Francisco Administrative Code)

Government's duty is to serve the public, reaching its decisions in full view of the public.

Commissions, boards, councils, and other agencies of the City and County exist to conduct the people's business. This ordinance assures that deliberations are conducted before the people and that City operations are open to the people's review.

FOR MORE INFORMATION ON YOUR RIGHTS UNDER THE SUNSHINE ORDINANCE OR TO REPORT VIOLATION OF THE ORDINANCE, CONTACT THE SUNSHINE ORDINANCE TASK FORCE: ADMINISTRATOR, CITY HALL, ROOM 244, #1 DR. CARLTON B. GOODLETT PLACE, SAN FRANCISCO, CA 94102-4689; OFFICE (415) 554-5163. COPIES OF THE SUNSHINE ORDINANCE CAN BE OBTAINED FROM THE CLERK OF THE SUNSHINE TASK FORCE, THE SAN FRANCISCO PUBLIC LIBRARY, AND ON THE CITY'S WEBSITE AT www.ci.sf.ca.us/bdsupvrs/sunshine

Lobbyist Registration and Reporting Requirements
Individuals and entities that influence or attempt to influence local legislative or administrative action may be required by the San Francisco Lobbyist Ordinance [SF Campaign & Government Code §2.100] to register and report lobbying activity. For more information about the Lobbyist Ordinance, please contact the San Francisco Ethics Commission at 30 Ness Avenue, Suite 3900, San Francisco, CA 94102; telephone (415) 581-2300; fax (415) 581-2317; webs site www.sfgov.org/ethics.

SAN FRANCISCO POLICE COMMISSION
PUBLIC MEETING/HEARING ACCESSIBILITY INFORMATION

Communication accessibility services; including sign language interpreters or computer aided real time captioning will be made available upon advance request. Please call the Police Commission Office at 553-1667 (v) or 553-9194 (tty), at least 72 hours prior to a proceeding. Late requests will be honored if possible.

A **sound enhancement system** will be available on request at the proceeding.

Meeting agendas and other print materials will be made available in alternate formats (computer disk, via email, fax, large print) upon advance request at least 72 hours prior to a proceeding. Please call the Police Commission Office at 553-1667 (v) or 553-9194 (tty). Late requests will be honored if possible.

Individuals with severe allergies, environmental illness, multiple chemical sensitivity or related disabilities should call 553-1667 to discuss meeting accessibility. In order to assist the City's efforts to accommodate such people, attendees at public meetings are reminded that other attendees may be sensitive to various chemical based products.

The proceeding will be held at City Hall, Room 400, #1 Dr. Carlton B. Goodlett Place, San Francisco. The closest accessible BART station is the Civic Center Station. For information about MUNI service, please call 311.

Accessible parking are available on Carlton Goodlett Place, Grove Street, and Van Ness Avenue.

Accessible seating for persons with disabilities and wheelchairs will be available.

For information about the meeting, please call 553-1667(v) or 553-9194 (tty).

MARCH 30, 2011 REGULAR MEETING

The Police Commission of the City and County of San Francisco met in Room 400, City Hall, #1 Dr. Carlton B. Goodlett Place, San Francisco, at 5:40 p.m.

PRESENT: Commissioners Marshall, DeJesus, Chan, Hammer, Kingsley, Slaughter
ABSENT: Commissioner Mazzucco

(Commissioner Marshall arrived at 6:20 p.m.)

CONSENT CALENDAR

- **Secure Communities Monthly Audit; time period of September through October 2010, November through December 2010, and January through February 2011**
- **Request of Captain John Garrity to accept a gift of jacket, valued at approximately $150.00, from M. Larry Sechuk, Loss Prevention & Special Operations for Corp. Macy's New York**

Motion by Commissioner Chan, second by Commissioner Hammer. Approved 5-0

PUBLIC COMMENT
None

RESOLUTION NO. 11-39

APPROVAL OF THE REQUEST OF CAPTAIN JOHN JOSEPH GARRITY TO ACCEPT A GIFT OF JACKET, VALUED AT APPROXIMATELY $150.00, FROM MR. LARRY SECHUK, LOSS PREVENTION & SPECIAL OPERATIONS FOR CORP. MACY'S NEW YORK

RESOLVED, that the Police Commission hereby approves the request of Captain John Joseph Garrity to accept a gift of a jacket, valued at approximately $150.00, from Mr. Larry Sechuk, Loss Prevention & Special Operations for Corp. Macy's New York.

AYES: Commissioners DeJesus, Chan, Hammer, Kingsley, Slaughter
ABSENT: Commissioners Mazzucco, Marshall

PUBLIC COMMENT

Mr. Erickson discussed the homicide of his brother, Charles, and asked if there is anything that can be done and asked for assistance in moving the case forward.

STATUS REPORT ON PREPARATION OF OCC'S 2011-2012 BUDGET, POSSIBLE ACTION TO PROVIDE INSTRUCTION TO THE DEPARTMENT OR TAKE OTHER ACTION ON THE BUDGET

Director Hicks presented the OCC's budget update.

PUBLIC COMMENT
None

REPORTS TO THE COMMISSION

a. **Chief's Report**
- **Report on crime statistics**
- **Review of recent activities**
- **Status Report regarding violence prevention efforts in the Mission District**
- **Status report regarding DNA testing backlog**

Assistant Chief Shawyer gave a brief update on crime statistics.

Commissioner Hammer would like an update on clearance of homicides next week.

GOVERNMENT
DOCUMENTS DEPT

JUN - 2 2011

SAN FRANCISCO
PUBLIC LIBRARY

Commissioner Slaughter asked about auto burglaries and auto thefts. Chief Shawyer stated that it is happening across all 10 districts and that captains are getting the word out to the public not to leave anything of value visible in their automobiles.

Captain Corrales, Mission, presented the status report regarding violence prevention efforts in the Mission District.

Captain Meixner, Forensic Services Division, presented the status report regarding the DNA testing backlog. Commissioner Hammer would like the Department bulletin and the spreadsheet sent to the Commissioners.

Commissioner Kingsley would like feedback on how the new system is working in approximately six months.

b. OCC Director's Report
- Review of recent activities

Director Hicks reported that she was absent last week due to their trip to Memphis. She also talked about a letter received from the Human Rights Commission regarding the audit per DGO 8.10.

c. Commission Reports
- Commission President's Report
- Commissioners' Reports

No report from the president. Commissioner Chan stated that she will give her report regarding the Memphis trip next week.

d. Commission Announcements , scheduling of items identified for consideration at future Commission meetings, and scheduling of future district Commission meetings

Commissioner Kingsley suggested having a meeting in each of the ten districts by the end of the year.

Commissioner Slaughter asked that Commissioner Kingsley along with Commissioner Mazzucco come back and schedule the district meetings.

PUBLIC COMMENT
Emil Lawrence asked about meeting in different districts and getting word out to the different community.

DISCUSSION TO REVIEW STATUS OF THE COMMISSION'S PRIORITY LIST AND POSSIBLE ACTION TO REPRIORITIZE ITEMS

Commissioner Kingsley would like to add the following to the priority list: disciplinary case procedure, community policing, and audit overview of the department.

Commissioner Slaughter suggested waiting until the new chief is appointed as priorities might change.

Commissioner Hammer suggested picking some on the list for the commission priority.

Commissioner DeJesus suggested flexibility and stated that policy issues need to be addressed.

Commissioner Kingsley will work with Commissioners to come up with an updated list.

PUBLIC COMMENT
None

PUBLIC COMMENT ON ALL MATTERS PERTAINING TO CLOSED SESSION

None

VOTE ON WHETHER TO HOLD CLOSED SESSION

Motion by Commissioner Slaughter, second by Commissioner Kingsley. Approved 5-0.

CLOSED SESSION (7:15 p.m. to 10:00 p.m.)

a. **PERSONNEL EXCEPTION: Discussion and possible action to sustain or not sustain charges filed in Case No. IVF C09-143, and to decide penalty, if necessary** (Resolution No. 11-38)

(PRESENT: Commissioners Marshall, Chan, DeJesus, Hammer, Kingsley, Slaughter, Lieutenant Falvey, Risa Tom, Assistant Chief Shawyer, Commander Mahoney, Director Hicks, Deputy City Attorney Zarefsky, Mr. Steve Johnson, Attorney Fraenkel, Attorney Stiglich, member involved)

(Taken in shorthand form by Cecilia J. Henry, CSR., Star Reporting)

b. **PERSONNEL EXCEPTION: Discussion and possible action to sustain or not sustain charges filed in Case No. IVF C10-219, and to decide penalty, if necessary**

Put over in two weeks

c. **PERSONNEL EXCEPTION: Discussion and possible action to sustain or not sustain charges filed in Case No. IVF C09-220, and to decide penalty, if necessary**

Put over in two weeks

d. **PERSONNEL EXCEPTION: Status and calendaring of pending disciplinary cases**

No discussion.

VOTE TO ELECT WHETHER TO DISCLOSE ANY OR ALL DISCUSSION HELD IN CLOSED SESSION

Motion by Commissioner Hammer, second by Commissioner Kingsley for non disclosure. Approved 6-0.

ADJOURNMENT

Motion by Commissioner Hammer, second by Commissioner Chan. Approved 5-0.

Thereafter, the meeting was adjourned at 10:00 p.m.

_____

Lieutenant Timothy Falvey
Secretary
San Francisco Police Commission

1071/rct

The Police Commission

CITY AND COUNTY OF SAN FRANCISCO

SAN FRANCISCO POLICE COMMISSION AGENDA
REGULAR MEETING
WEDNESDAY, APRIL 6, 2011
5:30 p.m.

CITY HALL, ROOM 400
#1 Dr. Carlton B. Goodlett Place
San Francisco, California

THOMAS MAZZUCCO
President

DR. JOE MARSHALL
Vice President

PETRA DEJESUS
Commissioner

ANGELA CHAN
Commissioner

JAMES HAMMER
Commissioner

CAROL KINGSLEY
Commissioner

R. JAMES SLAUGHTER
Commissioner

Lieutenant Timothy Falvey
Secretary

Pledge of Allegiance; Roll Call

1. **Consent Calendar** (RECEIVE & FILE; ACTION)
   - Request to accept equipment from Ms. Cindy Tamara, valued approximately $4,850, for use of the SFPD Mounted Unit

6/11

2. **General Public Comment**
   (The public is now welcome to address the Commission regarding items that do not appear on tonight's agenda but that are within the subject matter jurisdiction of the Commission. Speakers shall address their remarks to the Commission as a whole and not to individual Commissioners or Department or OCC personnel. Under Police Commission Rules of Order, during public comment, neither Police or OCC personnel, nor Commissioners are required to respond to questions presented by the public but, may provide a brief response. Individual Commissioners and Police and OCC personnel should refrain, however, from entering into any debates or discussion with speakers during public comment. Please limit your comments to three (3) minutes.)

3. Discussion and possible action to adopt a resolution supporting the following ordinance introduced at the Board of Supervisors: Ordinance amending the San Francisco Administrative Code by adding Section 2A.89 to set a policy of community policing in the City and County of San Francisco, define defining community policing, and urge the Police Commission and Chief of Police to review and as necessary amend the Police Department's policies and procedures for consistency with the community policing policy (DISCUSSION AND POSSIBLE ACTION)

4. Report back pursuant to Resolution 11-18, "Resolution to Enhance the San Francisco Police Department's Response to Incidents involving individuals with Mental Health Needs" (DISCUSSION & POSSIBLE ACTION)

5. Discussion and possible action to issue Certificates of Merit and Appreciation to the San Francisco Mental Health Board and the Memphis Police Department (ACTION)

6. Discussion and possible action to adopt revised Police Commission Procedural Rules Governing Trial of Disciplinary Cases (DISCUSSION AND POSSIBLE ACTION)

04-01-11P04:04 RCVD

7. **Reports and Announcements**
   a. Chief's report (DISCUSSION)
      - Report on crime statistics
      - Review of recent activities
   b. OCC Director's report (DISCUSSION)
      - Review of recent activities
   c. Commission reports (DISCUSSION)
      - Commission President's report
      - Commissioners' reports

GOVERNMENT
DOCUMENTS DEPT

APR - 1 2011

SAN FRANCISCO
PUBLIC LIBRARY

The Police Commission

CITY AND COUNTY OF SAN FRANCISCO

THOMAS MAZZUCCO
President

DR. JOE MARSHALL
Vice President

PETRA DEJESUS
Commissioner

ANGELA CHAN
Commissioner

JAMES HAMMER
Commissioner

CAROL KINGSLEY
Commissioner

R. JAMES SLAUGHTER
Commissioner

Lieutenant Timothy Falvey
Secretary

SAN FRANCISCO POLICE COMMISSION AGENDA
REGULAR MEETING
WEDNESDAY, APRIL 6, 2011
5:30 p.m.

CITY HALL, ROOM 400
#1 Dr. Carlton B. Goodlett Place
San Francisco, California

7. d. Commission Announcements and scheduling of items identified for consideration at future Commission meetings (ACTION)

8. Public comment on all matters pertaining to Item 10 below, Closed Session – Disciplinary Cases, including public comment on vote whether to hold Item 10 in closed session.

9. Vote on whether to hold Item 10 in closed session (ACTION)

10. **Closed Session – Disciplinary Cases**
Roll Call;
   a. Pursuant to Government Code Section 54957(b)(1) and San Francisco Administrative Code Section 67.10(b) and Penal Code Section 832.7:
   PERSONNEL EXCEPTION: Discussion and possible action to accept or reject stipulated disposition for case nos. KMO C08-162 and KMO C08-127 (ACTION)
   b. Pursuant to Government Code Section 54957(b)(1) and San Francisco Administrative Code Section 67.10(b) and Penal Code 832.7: (ACTION)
   PERSONNEL EXCEPTION: Selection of a Court Clerk, Classification 8113, for the Police Commission Office
   c. Pursuant to Government Code Section 54957(b)(1) and San Francisco Administrative Code Section 67.10(b) and Penal Code Section 832.7:
   PERSONNEL EXCEPTION: Status and calendaring of pending disciplinary cases (DISCUSSION AND POSSIBLE ACTION)

(OPEN SESSION) Roll Call.

11. Vote to elect whether to disclose any or all discussion on Item 10 held in closed session (San Francisco Administrative Code Section 67.12(a)) (ACTION)

12. **Adjournment** (ACTION ITEM)

** SUPPORTING DOCUMENTATION FOR POLICE COMMISSION AGENDA ITEMS THAT ARE NOT CONFIDENTIAL AND DOCUMENTATION THAT HAVE BEEN DISTRIBUTED TO THE COMMISSION AFTER DISTRIBUTION OF THE AGENDA PACKETS ARE AVAILABLE FOR REVIEW AT THE POLICE COMMISSION OFFICE, THOMAS J. CAHILL HALL OF JUSTICE, 850 BRYANT STREET, ROOM 505, SAN FRANCISCO, CA 94103, DURING NORMAL BUSINESS HOURS. (415) 553-1667

The Police Commission

CITY AND COUNTY OF SAN FRANCISCO

THOMAS MAZZUCCO
President

DR. JOE MARSHALL
Vice President

PETRA DEJESUS
Commissioner

ANGELA CHAN
Commissioner

JAMES HAMMER
Commissioner

CAROL KINGSLEY
Commissioner

R. JAMES SLAUGHTER
Commissioner

Lieutenant Timothy Falvey
Secretary

SAN FRANCISCO POLICE COMMISSION AGENDA

REGULAR MEETING

The Commission will hear public comment on all agenda items before or during discussion of the item.

The ringing of and use of cell phones, pagers and similar sound-producing electronic devices are prohibited at this meeting. Please be advised that the Chair may order the removal from the meeting room of any person(s) responsible for the ringing or use of a cell phone, pager, or other similar sound-producing electronic devices.

KNOW YOUR RIGHTS UNDER THE SUNSHINE ORDINANCE

(Chapter 67 of the San Francisco Administrative Code)

Government's duty is to serve the public, reaching its decisions in full view of the public.

Commissions, boards, councils, and other agencies of the City and County exist to conduct the people's business. This ordinance assures that deliberations are conducted before the people and that City operations are open to the people's review.

FOR MORE INFORMATION ON YOUR RIGHTS UNDER THE SUNSHINE ORDINANCE OR TO REPORT VIOLATION OF THE ORDINANCE, CONTACT THE SUNSHINE ORDINANCE TASK FORCE: ADMINISTRATOR, CITY HALL, ROOM 244, #1 DR. CARLTON B. GOODLETT PLACE, SAN FRANCISCO, CA 94102-4689; OFFICE (415) 554-5163. COPIES OF THE SUNSHINE ORDINANCE CAN BE OBTAINED FROM THE CLERK OF THE SUNSHINE TASK FORCE, THE SAN FRANCISCO PUBLIC LIBRARY, AND ON THE CITY'S WEBSITE AT www.ci.sf.ca.us/bdsupvrs/sunshine

Lobbyist Registration and Reporting Requirements
Individuals and entities that influence or attempt to influence local legislative or administrative action may be required by the San Francisco Lobbyist Ordinance [SF Campaign & Government Code §2.100] to register and report lobbying activity. For more information about the Lobbyist Ordinance, please contact the San Francisco Ethics Commission at 30 Ness Avenue, Suite 3900, San Francisco, CA 94102; telephone (415) 581-2300; fax (415) 581-2317; webs site www.sfgov.org/ethics.

SAN FRANCISCO POLICE COMMISSION
PUBLIC MEETING/HEARING ACCESSIBILITY INFORMATION

Communication accessibility services; including sign language interpreters or computer aided real time captioning will be made available upon advance request. Please call the Police Commission Office at 553-1667 (v) or 553-9194 (tty), at least 72 hours prior to a proceeding. Late requests will be honored if possible.

A **sound enhancement system** will be available on request at the proceeding.

Meeting agendas and other print materials will be made available in alternate formats (computer disk, via email, fax, large print) upon advance request at least 72 hours prior to a proceeding. Please call the Police Commission Office at 553-1667 (v) or 553-9194 (tty). Late requests will be honored if possible.

Individuals with severe allergies, environmental illness, multiple chemical sensitivity or related disabilities should call 553-1667 to discuss meeting accessibility. In order to assist the City's efforts to accommodate such people, attendees at public meetings are reminded that other attendees may be sensitive to various chemical based products.

The proceeding will be held at City Hall, Room 400, #1 Dr. Carlton B. Goodlett Place, San Francisco. The closest accessible BART station is the Civic Center Station. For information about MUNI service, please call 311.

Accessible parking are available on Carlton Goodlett Place, Grove Street, and Van Ness Avenue.

Accessible seating for persons with disabilities and wheelchairs will be available.

For information about the meeting, please call 553-1667(v) or 553-9194 (tty).

APRIL 6, 2011 REGULAR MEETING

The Police Commission of the City and County of San Francisco met in Room 400, City Hall, #1 Dr. Carlton B. Goodlett Place, San Francisco, at 5:40 p.m.

PRESENT: Commissioners Mazzucco, Marshall, DeJesus, Chan, Hammer, Kingsley, Slaughter

CONSENT CALENDAR

- **Request to accept equipment from Ms. Cindy Tamara, valued approximately $4,850, for use of the SFPD Mounted Unit**

Motion by Commissioner Hammer, second by Commissioner Kingsley. Approved by 7-0

PUBLIC COMMENT

None

RESOLUTION NO. 11-40

APPROVAL TO ACCEPT EQUIPMENT FROM MS. CINDY TAMARA, VALUED APPROXIMATELY $4,850, FOR USE OF THE SFPD MOUNTED UNIT

RESOLVED, that the Police Commission hereby approves request of the Chief of Police to accept equipment from Ms. Cindy Tamara, valued at approximately $4,850.00, for use of the SFPD Mounted Unit.

AYES: Commissioners Mazzucco, Marshall, DeJesus, Chan, Hammer, Kingsley, Slaughter

PUBLIC COMMENT

Alex Hanson, SEIU, asked about the status of the new Chief of Police.

Mr. Harrison spoke in regards to the homicide of his brother and asked about a poster of the suspect who murdered his brother

Tom Silhorst spoke in regards to patrol specials and asked when the Commission will put them out of business and discussed community policing in the Castro and asked that it be discontinued in the city of San Francisco.

Marlon Crump discussed concerns regarding an officer lecturing in schools and concerns about a question asked by Commissioner Marshall.

John Crew, ACLU, discussed the Department's intelligence process and concerns about the FBI and the SFPD's joint terrorism taskforce.

Neen, ACLU, gave a brief history about the joint terrorism taskforce and concerns of violation of privacy laws.

Sara, SFBay Area Council, spoke in regards to incidents of JTTF's violation of civil rights.

Commissioner Mazzucco announced that he will be asking the Commission to have a joint meeting with the Human Rights Commission in the next two or three weeks.

Clyde spoke in regards to transparency and concerns regarding Lt. Greely.

Emil Lawrence discussed concerns and discussed the budget.

DISCUSSION AND POSSIBLE ACTION TO ADOPT A RESOLUTION SUPPORTING THE FOLLOWING ORDINANCE INTRODUCED AT TE BOARD OF SUPERVISORS: ORDINANCE AMENDING THE SAN FRANCISCO ADMINISTRATIVE CODE BY ADDING SECTION 2A.89 TO SET A POLICY OF COMMUNITY POLICING IN THE CITY AND COUNTY OF SAN FRANCISCO, DEFINING COMMUNITY POLICING, AND URGE THE POLICE COMMISSION AND CHIEF OF POLICE TO REVIEW AND AS NECESSARY AMEND THE POLICE DEPARTMENT'S POLICIES AND PROCEDURES FOR CONSISTENCY WITH THE COMMUNITY POLICING POLICY

Taken off calendar for further discussion with the Board of Supervisors and the Commission.

GOVERNMENT DOCUMENTS DEPT

JUN - 2 2011

SAN FRANCISCO PUBLIC LIBRARY

REPORT BACK PURSUANT TO RESOLUTION 11-18, "RESOLUTION TO ENHANCE THE SAN FRANCISCO POLICE DEPARTMENT'S RESPONSE TO INCIDENTS INVOLVING INDIVIDUALS WITH MENTAL HEALTH NEEDS"

Commissioner Chan presented the report back in regards to Resolution 11-18 and explained the timeline to the Commission.

Captain Goldberg, CIT Coordinator, addressed the Commission in regards to the CIT training, the working group, and goal of training the first 25 officers in June and the working plan.

Samara Marion, OCC, spoke in regards to recent trip to Memphis.
Pamela Fisher, NAMI, spoke on regards to what Memphis NAMI is doing.
Cecil O'Connor, Progress Foundation, addressed the Commission and described recent trip to Memphis.
Dr. Eric Woodard, Medical Director Psych Services SF General, addressed the Commission in regards to the Department working with the mental health patients and advocates.

Commissioner Chan then went on to speak about her ride-along in Memphis.

Director Hicks spoke of her trip to Memphis.

Commissioner Hammer thanked the Chief and the working group.

Commissioner DeJesus thanked everyone involved.

Commissioner Slaughter asked Captain Goldberg and stated that he hopes that this is a true partnership and not the mental health board telling the department what to do. Captain Goldberg stated that this is a work in progress and that as the work continues the officers will participate.

Commissioner Mazzucco thanked Commissioners Hammer and Chan for their hard work and thanked the CIT working group for all they do and for the collaboration between the mental health community and the Department.

PUBLIC COMMENT
Emil Lawrence stated that it is not the job of the officers to take care of mental health individuals.
Unidentified discussed concerns regarding officers' threat to 5150 him.

DISCUSSION AND POSSIBLE ACTION TO ISSUE CERTIFICATES OF MERIT AND APPRECIATION TO THE SAN FRANCISCO MENTAL HEALTH BOARD AND THE MEMPHIS POLICE DEPARTMENT

Taken out of order.

Commissioner Chan spoke of the work of the San Francisco Mental Health Board. Ms. Helenia Brooke thanked the Commission for recognizing the SF Mental Health Board.

Captain Goldberg acknowledged the SF Mental Health Board.

Commissioner Chan also commended the Memphis Police Department, Major Cochran, and Dr. Dupont for their help in getting the CIT Model in San Francisco.

PUBLIC COMMENT
None

DISCUSSION AND POSSIBLE ACTION TO ADOPT REVISED POLICE COMMISSION PROCEDURAL RULES GOVERNING TRIAL OF DISCIPLINARY CASES REPORTS TO THE COMMISSION

Continued one week.

REPORTS AND ANNOUNCEMENTS

a. **Chief's Report**
- **Report on crime statistics**
- **Review of recent activities**

Chief Godown gave a brief report on crime statistics.

Lieutenant Lea Millitello, Homicide Unit, presented a year-to-date homicide data comparison between 2011 and 2010.

Commander Lazar gave a brief overview on property crimes in San Francisco.

b. **OCC Director's Report**
- **Review of recent activities**

Director Hicks stated that she has no report this evening

c. **Commission Reports**
- **Commission President's Report**
- **Commissioners' Reports**

Commissioner Mazzucco stated he met with Director Theresa Sparks of the Human Rights Commission and will be scheduling a joint meeting with the Commission and the Human Rights Commission.

Commissioner Kingsley stated that she met with the Chief in regards to revamping the discipline procedure and that she will be meeting with the POA in regards to this matter. She also stated that she will be going to Los Angeles to meet with LAPD in regards to their disciplinary process.

Commissioner Slaughter thanked Commissioner Hammer for his work with the revised procedural hearing rules and stated that he does agree that the disciplinary process is broken and if charter amendments have to be made then so be it.

Commissioner Hammer would like to agendize sometime in the future on what the subcommittee will be doing in regards to the disciplinary process.

d. **Commission Announcements , scheduling of items identified for consideration at future Commission meetings**

Schedule the disciplinary process on April 20th.

PUBLIC COMMENT

Emil Lawrence asked about the homicide data and asked that reports to the Commission in regards to homicides be on a monthly basis.

PUBLIC COMMENT ON ALL MATTERS PERTAINING TO CLOSED SESSION

None

VOTE ON WHETHER TO HOLD CLOSED SESSION

Motion by Commissioner Chan, second by Commissioner Kingsley. Approved 7-0.

CLOSED SESSION (8:20 p.m. to 8:35 p.m.)

a. **PERSONNEL EXCEPTION: Discussion and possible action to accept or reject stipulated disposition for case nos. KMO C08-162 and KMO C08-127** (Resolution No. 11-41)

(PRESENT: Commissioners Chan, DeJesus, Hammer, Kingsley, Slaughter, Lieutenant Falvey, Risa Tom, Chief Godown, Commander Mahoney, Deputy City Attorney Blits, Attorney Alden, Attorney Lassart, Mr. Steve Johnson, and member involved)

Motion by Commissioner DeJesus that Commissioners Marshall and Mazzucco be recused. Second by Commissioner Chan. Approved 5-0.

b. PERSONNEL EXCEPTION: Selection of a Court Clerk, Classification 8113, for the Police Commission Office

(PRESENT: Commissioners Mazzucco, Marshall, Chan, DeJesus, Hammer, Kingsley, Slaughter, Lieutenant Falvey, Risa Tom, Chief Godown, Commander Mahoney, Deputy City Attorney Blits)

Motion to recommend candidate #1 and #2, second by Commissioner Chan. Approved 7-0.

c. PERSONNEL EXCEPTION: Status and calendaring of pending disciplinary cases

No discussion.

VOTE TO ELECT WHETHER TO DISCLOSE ANY OR ALL DISCUSSION HELD IN CLOSED SESSION

Motion by Commissioner Kingsley, second by Commissioner Hammer for non disclosure. Approved 6-0.

ADJOURNMENT

Motion by Commissioner Hammer, second by Commissioner Chan. Approved 6-0

Thereafter, the meeting was adjourned at 8:35 p.m.

_____

Lieutenant Timothy Falvey
Secretary
San Francisco Police Commission

1071/rct

The Police Commission

CITY AND COUNTY OF SAN FRANCISCO

THOMAS MAZZUCCO
President

DR. JOE MARSHALL
Vice President

PETRA DEJESUS
Commissioner

ANGELA CHAN
Commissioner

JAMES HAMMER
Commissioner

CAROL KINGSLEY
Commissioner

R. JAMES SLAUGHTER
Commissioner

Lieutenant Timothy Falvey
Secretary

SAN FRANCISCO POLICE COMMISSION AGENDA
REGULAR MEETING
WEDNESDAY, APRIL 13, 2011
5:30 p.m.

CITY HALL, ROOM 400
#1 Dr. Carlton B. Goodlett Place
San Francisco, California

Pledge of Allegiance; Roll Call

'45
1
/13/11

1. **Consent Calendar** (RECEIVE & FILE; ACTION)
   - Police Commission Report of Disciplinary Actions, 1st Quarter 2011

2. **General Public Comment**
   (The public is now welcome to address the Commission regarding items that do not appear on tonight's agenda but that are within the subject matter jurisdiction of the Commission. Speakers shall address their remarks to the Commission as a whole and not to individual Commissioners or Department or OCC personnel. Under Police Commission Rules of Order, during public comment, neither Police or OCC personnel, nor Commissioners are required to respond to questions presented by the public but, may provide a brief response. Individual Commissioners and Police and OCC personnel should refrain, however, from entering into any debates or discussion with speakers during public comment. Please limit your comments to three (3) minutes.)

3. **Reports and Announcements**
   a. Chief's report (DISCUSSION)
      - Report on crime statistics
      - Review of recent activities
      - Presentation of the 1st Quarter 2011 FDRB Findings & Recommendations
      - Presentation of the OIS Investigation Status Summary
   b. OCC Director's report (DISCUSSION)
      - Review of recent activities
   c. Commission reports (DISCUSSION)
      - Commission President's report
      - Commissioners' reports
   d. Commission Announcements and scheduling of items identified for consideration at future Commission meetings (ACTION)

04-08-11P03:03 RCVD

4. Discussion and possible action to adopt revised Police Commission Procedural Rules Governing Trial of Disciplinary Cases (DISCUSSION AND POSSIBLE ACTION)

5. Discussion regarding the PSSG Group Recommendations and the Patrol Special Officers Association's Response (DISCUSSION)

GOVERNMENT
DOCUMENTS DEPT

APR - 8 2011

SAN FRANCISCO
PUBLIC LIBRARY

The Police Commission

CITY AND COUNTY OF SAN FRANCISCO

SAN FRANCISCO POLICE COMMISSION AGENDA
REGULAR MEETING
WEDNESDAY, APRIL 13, 2011
5:30 p.m.

CITY HALL, ROOM 400
#1 Dr. Carlton B. Goodlett Place
San Francisco, California

THOMAS MAZZUCCO
President

DR. JOE MARSHALL
Vice President

PETRA DEJESUS
Commissioner

ANGELA CHAN
Commissioner

JAMES HAMMER
Commissioner

CAROL KINGSLEY
Commissioner

R. DAVIS SLAUGHTER
Commissioner

Lieutenant Timothy Falvey
Secretary

6. Public comment on all matters pertaining to Item 8 below, Closed Session – Disciplinary Cases, including public comment on vote whether to hold Item 8 in closed session.

7. Vote on whether to hold Item 8 in closed session (ACTION)

8. **Closed Session – Disciplinary Cases**
Roll Call;
   a. Pursuant to Government Code Section 54957(b)(1) and San Francisco Administrative Code Section 67.10(b) and Penal Code Section 832.7:
   PERSONNEL EXCEPTION: Assignment of an Appeal of the Chief's suspension filed in Case No. ALW D10-235 to a Commissioner for taking of evidence on a date to be determined by the Commissioner (ACTION)
   b. Pursuant to Government Code Section 54957(b)(1) and San Francisco Administrative Code Section 67.10(b) and Penal Code Section 832.7:
   PERSONNEL EXCEPTION: Discussion and possible action to issue subpoenas in regards to disciplinary case no. KMO C10-032 (ACTION)
   c. Pursuant to Government Code Section 54957(b)(1) and San Francisco Administrative Code Section 67.10(b) and Penal Code 832.7:
   PERSONNEL EXCEPTION: Discussion and possible action to issue penalty in case nos. JWA C09-128 and JWA C10-046, heard March 16, 2011 (ACTION)
   d. Pursuant to Government Code Section 54957(b)(1) and San Francisco Administrative Code Section 67.10(b) and Penal Code Section 832.7:
   PERSONNEL EXCEPTION: Status and calendaring of pending disciplinary cases (DISCUSSION AND POSSIBLE ACTION)

(OPEN SESSION) Roll Call.

9. Vote to elect whether to disclose any or all discussion on Item 8 held in closed session (San Francisco Administrative Code Section 67.12(a)) (ACTION)

10. **Adjournment** (ACTION ITEM)

SUPPORTING DOCUMENTATION FOR POLICE COMMISSION AGENDA ITEMS THAT ARE NOT CONFIDENTIAL AND DOCUMENTATION THAT HAVE BEEN DISTRIBUTED TO THE COMMISSION AFTER DISTRIBUTION OF THE AGENDA PACKETS ARE AVAILABLE FOR REVIEW AT THE POLICE COMMISSION OFFICE, THOMAS J. CAHILL HALL OF JUSTICE, 850 BRYANT STREET, ROOM 505, SAN FRANCISCO, CA 94103, DURING NORMAL BUSINESS HOURS. (415) 553-1667

The Police Commission

CITY AND COUNTY OF SAN FRANCISCO

THOMAS MAZZUCCO
President

DR. JOE MARSHALL
Vice President

PETRA DEJESUS
Commissioner

ANGELA CHAN
Commissioner

JAMES HAMMER
Commissioner

CAROL KINGSLEY
Commissioner

R. JAMES SLAUGHTER
Commissioner

Lieutenant Timothy Falvey
Secretary

SAN FRANCISCO POLICE COMMISSION AGENDA

REGULAR MEETING

The Commission will hear public comment on all agenda items before or during discussion of the item.

The ringing of and use of cell phones, pagers and similar sound-producing electronic devices are prohibited at this meeting. Please be advised that the Chair may order the removal from the meeting room of any person(s) responsible for the ringing or use of a cell phone, pager, or other similar sound-producing electronic devices.

KNOW YOUR RIGHTS UNDER THE SUNSHINE ORDINANCE

(Chapter 67 of the San Francisco Administrative Code)

Government's duty is to serve the public, reaching its decisions in full view of the public.

Commissions, boards, councils, and other agencies of the City and County exist to conduct the people's business. This ordinance assures that deliberations are conducted before the people and that City operations are open to the people's review.

FOR MORE INFORMATION ON YOUR RIGHTS UNDER THE SUNSHINE ORDINANCE OR TO REPORT VIOLATION OF THE ORDINANCE, CONTACT THE SUNSHINE ORDINANCE TASK FORCE: ADMINISTRATOR, CITY HALL, ROOM 244, #1 DR. CARLTON B. GOODLETT PLACE, SAN FRANCISCO, CA 94102-4689; OFFICE (415) 554-5163. COPIES OF THE SUNSHINE ORDINANCE CAN BE OBTAINED FROM THE CLERK OF THE SUNSHINE TASK FORCE, THE SAN FRANCISCO PUBLIC LIBRARY, AND ON THE CITY'S WEBSITE AT www.ci.sf.ca.us/bdsupvrs/sunshine

Lobbyist Registration and Reporting Requirements
Individuals and entities that influence or attempt to influence local legislative or administrative action may be required by the San Francisco Lobbyist Ordinance [SF Campaign & Government Code §2.100] to register and report lobbying activity. For more information about the Lobbyist Ordinance, please contact the San Francisco Ethics Commission at 30 Ness Avenue, Suite 3900, San Francisco, CA 94102; telephone (415) 581-2300; fax (415) 581-2317; webs site www.sfgov.org/ethics.

SAN FRANCISCO POLICE COMMISSION
PUBLIC MEETING/HEARING ACCESSIBILITY INFORMATION

Communication accessibility services; including sign language interpreters or computer aided real time captioning will be made available upon advance request. Please call the Police Commission Office at 553-1667 (v) or 553-9194 (tty), at least 72 hours prior to a proceeding. Late requests will be honored if possible.

A **sound enhancement system** will be available on request at the proceeding.

Meeting agendas and other print materials will be made available in alternate formats (computer disk, via email, fax, large print) upon advance request at least 72 hours prior to a proceeding. Please call the Police Commission Office at 553-1667 (v) or 553-9194 (tty). Late requests will be honored if possible.

Individuals with severe allergies, environmental illness, multiple chemical sensitivity or related disabilities should call 553-1667 to discuss meeting accessibility. In order to assist the City's efforts to accommodate such people, attendees at public meetings are reminded that other attendees may be sensitive to various chemical based products.

The proceeding will be held at City Hall, Room 400, #1 Dr. Carlton B. Goodlett Place, San Francisco. The closest accessible BART station is the Civic Center Station. For information about MUNI service, please call 311.

Accessible parking are available on Carlton Goodlett Place, Grove Street, and Van Ness Avenue.

Accessible seating for persons with disabilities and wheelchairs will be available.

For information about the meeting, please call 553-1667(v) or 553-9194 (tty).

The Police Commission

CITY AND COUNTY OF SAN FRANCISCO

SAN FRANCISCO POLICE COMMISSION AGENDA
REGULAR MEETING
WEDNESDAY, APRIL 20, 2011
5:30 p.m.

CITY HALL, ROOM 400
#1 Dr. Carlton B. Goodlett Place
San Francisco, California

THOMAS MAZZUCCO
President

DR. JOE MARSHALL
Vice President

PETRA DEJESUS
Commissioner

ANGELA CHAN
Commissioner

JAMES HAMMER
Commissioner

CAROL KINGSLEY
Commissioner

R. JAMES SLAUGHTER
Commissioner

Lieutenant Timothy Falvey
Secretary

SF
P45
#1
4/20/11

Pledge of Allegiance; Roll Call

1. **Consent Calendar** (RECEIVE & FILE; ACTION)
   - Police Commission Report of Disciplinary Actions, 1st Quarter 2011

2. **General Public Comment**
   (The public is now welcome to address the Commission regarding items that do not appear on tonight's agenda but that are within the subject matter jurisdiction of the Commission. Speakers shall address their remarks to the Commission as a whole and not to individual Commissioners or Department or OCC personnel. Under Police Commission Rules of Order, during public comment, neither Police or OCC personnel, nor Commissioners are required to respond to questions presented by the public but, may provide a brief response. Individual Commissioners and Police and OCC personnel should refrain, however, from entering into any debates or discussion with speakers during public comment. Please limit your comments to three (3) minutes.)

3. **Reports and Announcements**
   a. Chief's report (DISCUSSION)
      - Report on crime statistics
      - Review of recent activities
      - Presentation of the 1st Quarter 2011 FDRB Findings & Recommendations
      - Presentation of the OIS Investigation Status Summary
   b. OCC Director's report (DISCUSSION)
      - Review of recent activities
   c. Commission reports (DISCUSSION)
      - Commission President's report
      - Commissioners' reports
        - Update regarding review of disciplinary process
   d. Commission Announcements and scheduling of items identified for consideration at future Commission meetings (ACTION)

4. Discussion and possible action to adopt revised Police Commission Procedural Rules Governing Trial of Disciplinary Cases (DISCUSSION AND POSSIBLE ACTION)

5. Discussion regarding the PSSG Group Recommendations and the Patrol Special Officers Association's Response (DISCUSSION)

GOVERNMENT
DOCUMENTS DEPT

APR 14 2011

SAN FRANCISCO
PUBLIC LIBRARY

THOMAS J. CAHILL HALL OF JUSTICE, 850 BRYANT ST., RM. 505, SAN FRANCISCO, CA 94103-4603 (415) 553-1667 FAX (415) 553-1669

04-14-11A08:15 RCVD

The Police Commission

CITY AND COUNTY OF SAN FRANCISCO

THOMAS MAZZUCCO
President

DR. JOE MARSHALL
Vice President

PETRA DEJESUS
Commissioner

ANGELA CHAN
Commissioner

JAMES HAMMER
Commissioner

CAROL KINGSLEY
Commissioner

R. JAMES SLAUGHTER
Commissioner

Lieutenant Timothy Falvey
Secretary

SAN FRANCISCO POLICE COMMISSION AGENDA
REGULAR MEETING
WEDNESDAY, APRIL 20, 2011
5:30 p.m.

CITY HALL, ROOM 400
#1 Dr. Carlton B. Goodlett Place
San Francisco, California

6. Public comment on all matters pertaining to Item 8 below, Closed Session – Disciplinary Cases, including public comment on vote whether to hold Item 8 in closed session.

7. Vote on whether to hold Item 8 in closed session (ACTION)

8. **Closed Session – Disciplinary Cases**
   Roll Call;
   a. Pursuant to Government Code Section 54957(b)(1) and San Francisco Administrative Code Section 67.10(b) and Penal Code Section 832.7:
      PERSONNEL EXCEPTION: Assignment of an Appeal of the Chief's suspension filed in Case No. ALW D10-235 to a Commissioner for taking of evidence on a date to be determined by the Commissioner (ACTION)
   b. Pursuant to Government Code Section 54957(b)(1) and San Francisco Administrative Code Section 67.10(b) and Penal Code Section 832.7:
      PERSONNEL EXCEPTION: Discussion and possible action to issue subpoenas in regards to disciplinary case no. KMO C10-032 (ACTION)
   c. Pursuant to Government Code Section 54957(b)(1) and San Francisco Administrative Code Section 67.10(b) and Penal Code Section 832.7:
      PERSONNEL EXCEPTION: Hearing on an Appeal of the Chief's Suspension and possible action to sustain or not sustain the Chief's discipline as filed in Case No. KMO D10-188 (ACTION)
   d. Pursuant to Government Code Section 54957(b)(1) and San Francisco Administrative Code Section 67.10(b) and Penal Code Section 832.7:
      PERSONNEL EXCEPTION: Status and calendaring of pending disciplinary cases (DISCUSSION AND POSSIBLE ACTION)

(OPEN SESSION) Roll Call.

9. Vote to elect whether to disclose any or all discussion on Item 8 held in closed session (San Francisco Administrative Code Section 67.12(a)) (ACTION)

10. **Adjournment** (ACTION ITEM)

SUPPORTING DOCUMENTATION FOR POLICE COMMISSION AGENDA ITEMS THAT ARE NOT CONFIDENTIAL AND DOCUMENTATION THAT HAVE BEEN DISTRIBUTED TO THE COMMISSION AFTER DISTRIBUTION OF THE AGENDA PACKETS ARE AVAILABLE FOR REVIEW AT THE POLICE COMMISSION OFFICE, THOMAS J. CAHILL HALL OF JUSTICE, 850 BRYANT STREET, ROOM 505, SAN FRANCISCO, CA 94103, DURING NORMAL BUSINESS HOURS. (415) 553-1667

The Police Commission

CITY AND COUNTY OF SAN FRANCISCO

THOMAS MAZZUCCO
President

DR. JOE MARSHALL
Vice President

PETRA DEJESUS
Commissioner

ANGELA CHAN
Commissioner

JAMES HAMMER
Commissioner

CAROL KINGSLEY
Commissioner

R. JAMES SLAUGHTER
Commissioner

Lieutenant Timothy Falvey
Secretary

SAN FRANCISCO POLICE COMMISSION AGENDA

REGULAR MEETING

The Commission will hear public comment on all agenda items before or during discussion of the item.

The ringing of and use of cell phones, pagers and similar sound-producing electronic devices are prohibited at this meeting. Please be advised that the Chair may order the removal from the meeting room of any person(s) responsible for the ringing or use of a cell phone, pager, or other similar sound-producing electronic devices.

KNOW YOUR RIGHTS UNDER THE SUNSHINE ORDINANCE

(Chapter 67 of the San Francisco Administrative Code)

Government's duty is to serve the public, reaching its decisions in full view of the public.

Commissions, boards, councils, and other agencies of the City and County exist to conduct the people's business. This ordinance assures that deliberations are conducted before the people and that City operations are open to the people's review.

FOR MORE INFORMATION ON YOUR RIGHTS UNDER THE SUNSHINE ORDINANCE OR TO REPORT VIOLATION OF THE ORDINANCE, CONTACT THE SUNSHINE ORDINANCE TASK FORCE: ADMINISTRATOR, CITY HALL, ROOM 244, #1 DR. CARLTON B. GOODLETT PLACE, SAN FRANCISCO, CA 94102-4689; OFFICE (415) 554-5163. COPIES OF THE SUNSHINE ORDINANCE CAN BE OBTAINED FROM THE CLERK OF THE SUNSHINE TASK FORCE, THE SAN FRANCISCO PUBLIC LIBRARY, AND ON THE CITY'S WEBSITE AT www.ci.sf.ca.us/bdsupvrs/sunshine

Lobbyist Registration and Reporting Requirements
Individuals and entities that influence or attempt to influence local legislative or administrative action may be required by the San Francisco Lobbyist Ordinance [SF Campaign & Government Code §2.100] to register and report lobbying activity. For more information about the Lobbyist Ordinance, please contact the San Francisco Ethics Commission at 30 Ness Avenue, Suite 3900, San Francisco, CA 94102; telephone (415) 581-2300; fax (415) 581-2317; webs site www.sfgov.org/ethics.

SAN FRANCISCO POLICE COMMISSION
PUBLIC MEETING/HEARING ACCESSIBILITY INFORMATION

Communication accessibility services; including sign language interpreters or computer aided real time captioning will be made available upon advance request. Please call the Police Commission Office at 553-1667 (v) or 553-9194 (tty), at least 72 hours prior to a proceeding. Late requests will be honored if possible.

A **sound enhancement system** will be available on request at the proceeding.

Meeting agendas and other print materials will be made available in alternate formats (computer disk, via email, fax, large print) upon advance request at least 72 hours prior to a proceeding. Please call the Police Commission Office at 553-1667 (v) or 553-9194 (tty). Late requests will be honored if possible.

Individuals with severe allergies, environmental illness, multiple chemical sensitivity or related disabilities should call 553-1667 to discuss meeting accessibility. In order to assist the City's efforts to accommodate such people, attendees at public meetings are reminded that other attendees may be sensitive to various chemical based products.

The proceeding will be held at City Hall, Room 400, #1 Dr. Carlton B. Goodlett Place, San Francisco. The closest accessible BART station is the Civic Center Station. For information about MUNI service, please call 311.

Accessible parking are available on Carlton Goodlett Place, Grove Street, and Van Ness Avenue.

Accessible seating for persons with disabilities and wheelchairs will be available.

For information about the meeting, please call 553-1667(v) or 553-9194 (tty).

APRIL 20, 2011 **REGULAR MEETING**

The Police Commission of the City and County of San Francisco met in Room 400, City Hall, #1 Dr. Carlton B. Goodlett Place, San Francisco, at 5:40 p.m., in a Regular Meeting.

PRESENT: Commissioners Mazzucco, Marshall, DeJesus, Hammer, Kingsley, Slaughter
ABSENT: Commissioner Chan

(Commissioners Marshall and Hammer arrived at 5:43 p.m.)

CONSENT CALENDAR

- **Police Commission Report of Disciplinary Actions, 1st Quarter 2011**

Motion by Commissioner DeJesus, second by Commissioner Slaughter. Approved 4-0. (Received & filed)

DISCUSSION REGARDING THE PSSG GROUP RECOMMENDATIONS AND THE PATROL SPECIAL OFFICERS ASSOCIATION'S RESPONSE

Taken out of order.

Commissioner Mazzucco gave a brief overview about Patrol Special Officers and the findings by the PSSG group.

Lieutenant Henry Parra, Patrol Special Officer Liaison, presented the Department's report. Lt. Parra talked about range qualifications, 18-hour training at the Police Academy, and their compliance with turning paperwork in.

Commissioner Mazzucco asked how many patrol specials. Lt. Parra stated that there are a total of 27 patrol specials with 18 assistants and 9 beat owners.

Commissioner Hammer talked about the perception of tension between the SFPD and the patrol specials. Commissioner Hammer also asked about the application process. Lt. Parra explained that there is a checklist established by the Commission and those paperwork have to be submitted and went on to explain the application process. Lt. Parra stated that there are two packets that are going through the process right now.

Commissioner DeJesus asked about the client's list and confidentiality issue. Commissioner DeJesus stated that the Commission needs to talk about the client's list and fees. PSO Byard suggested integrating client's list in the individuals patrol special officers' personnel files so that it stays confidential.

Commissioner Hammer stated that there should be an oversight, at least level 3 training, and updating the rules.

Commissioner Slaughter asked about liability insurance and asked if the city is named as the insured in those policies. PSO Byard stated that these are the information that Lt. Parra was talking about information requested by the Department that will be turned in by the end of May. Commissioner Slaughter expressed concern regarding compliance by the Patrol Specials since this report have been out since August.

Commissioner Marshall stated that what he is looking for in this discussion is what the controller's report recommended and stated that he hopes that the speakers will address the issues discussed in the controller's report.

PUBLIC COMMENT

Ann Grogan addressed the Commission and thanked Lt. Parra for working with the patrol specials and thanked the Commission for spending time into looking into the program. She stated that Officer Byard respond to disturbances. She went on to talk about the Cincinnati PD.

GOVERNMENT
DOCUMENTS DEPT

JUN - 3 2011

SAN FRANCISCO
PUBLIC LIBRARY

Andrea Aiello, Castro Business Group, described how they use patrol specials in their area.

Ken Craig express support for patrol specials and asked the Commission to read and cross check the PSSG report for accuracy and asked to meet with members of the public. He went on to talk about the history of patrol specials.

Peter Alexander Chernov expressed concerns about patrol specials and talked about the constitution being denied.

Tom Silhurst stated that patrol specials violates the 14th Amendment and discussed concerns regarding compliance by the patrol specials.

Jamie Whittaker, Rincon Center neighborhood, stated that patrol specials are needed in new neighborhoods like the Rincon Center and stated that there is a need for patrols to keep an eye on neighborhoods.

Ray Hartz, SF Open Government, stated that none of the comments addressed issues that were raised like insurance coverage and fees and stated that there is a lack of professional conduct within the patrol specials.

Emile Lawrence talked about the city budget and stated that patrol special program should be expanded.

Barbara Growth stated patrol specials do not cost city money and stated that the city do not need high paid brass.

Ernest Tacchihara, Patrol Special, expressed support for his merchants and talked about support for the city and stated that patrol specials do many things that are not known.

Jon Gray, applicant for patrol special, submitted a letter and stated that he applied to take over for Jane Warner but does not know what happened to his application and asked the Commission to embrace the patrol specials.

Commissioner Kingsley asked how would services be different if patrol specials are not part of the SFPD. PSO Byard stated that it will cost more for the clients, patrol specials would need to get a state's license and uniforms need to be changed.

Commissioner Slaughter asked Chief Shawyer for the command staff's view of patrol specials and would like a sense of how the Chief and the command staff feels about patrol specials. Chief Shawyer stated that the Chief Godown's concern is that patrol specials abide by the rules.

Commissioner Slaughter asked for a substantive report from the Chief and the command staff to see if this is a good program and if they agree with the proposals from PSSG, should there be a Charter change. Chief Shawyer stated that the Department will be happy to respond to those questions.

Commissioner Marshall asked where do the Commission go from here.

Commissioner Mazzucco stated that he would like Lt. Parra to asked the patrol specials to have their proof of insurance to be in by Friday, 5 p.m., and how many patrol specials do we have, active patrol specials, by Wednesday, and would like to know who owns the beats, when was the last time beat has be sold and for how much. Commissioner Mazzucco stated that he is doing this for compliance and asked the Chief to talk to his lieutenants and sergeants to have patrol specials report at the beginning of his/her watch for uniform inspection and vehicle inspection to make sure they are in compliance.

Commissioner Kingsley asked about OCC complaints and was informed that patrol specials do not come under the OCC jurisdiction. Lt. Parra explained that as of now there are nine Internal Affairs investigations; two cases are with the Police Commission and one recently sent back to the Chief's level.

Commissioner Hammer explained the report is to shut the program down but stated that he does not agree with the report and stated that he is here in memory of Jane Warner. He suggested a complete restart of the program, update the rules, and set a start date as to when to implement the rules.

Commissioner DeJesus stated that there are regulations already in place and those regulations need to be followed.

Commissioner Mazzucco asked the Department to enforce the compliance of patrol specials and asked the patrol specials to get in compliance or otherwise there will be a Charter amendment.

Commissioner Slaughter stated the Department has to get on top of this and the Department should look at the rules to make sure they are the right rules and recommend proposals to the Commission.

Commissioner Marshall stated that he's gone down this road before and there is still non compliance and stated that he is skeptical.

Patrol Special Byard stated that training they received were paid by the patrol specials and stated that they have no problem getting additional training.

Commissioner Mazzucco expressed frustration and stated again that compliance is the main factor.

Commissioner Hammer stated that it is incumbent with the patrol specials and their supporters, to get together, look at the rules, and come up with the proposed set of rules.

(The Commission recessed from 7:38 p.m. to 7:46 p.m.)

PUBLIC COMMENT ON ALL MATTERS PERTAINING TO THE CLOSED SESSION

Ray Hartz, SF Open Government, disagrees with the President in denying public comment.
Jamie Whittaker stated that items should be taken in order.
Marlon Crump stated that public comment should be taken.
Unidentified stated that schedule should be followed.

VOTE ON WHETHER TO HOLD CLOSED SESSION

Motion by Commissioner Hammer, second by Commissioner Marshall. Approved 6-0.

CLOSED SESSION (7:53 p.m. to 8:50 p.m.)

PERSONNEL EXCEPTION: Assignment of an Appeal of the Chief's suspension filed in Case No. ALW D10-235 to a Commissioner for taking of evidence on a date to be determined by the Commissioner (Assigned to Commissioner R. James Slaughter, Resolution No. 11-42)
(PRESENT: Commissioners Mazzucco, Marshall, DeJesus, Hammer, Kingsley, Slaughter, Lieutenant Falvey, Deputy City Attorney Blits, Chief Shawyer)

PERSONNEL EXCEPTION: Discussion and possible action to issue subpoenas in regards to disciplinary case no. KMO C10-032
(PRESENT: Commissioners Mazzucco, Marshall, DeJesus, Hammer, Kingsley, Slaughter, Lieutenant Falvey, Deputy City Attorney Blits, Chief Shawyer)

Motion by Commissioner Hammer, second by Commissioner Mazzucco. Approved 6-0.

PERSONNEL EXCEPTION: Hearing on an Appeal of the Chief's Suspension and possible action to sustain or not sustain the Chief's discipline as filed in Case No. KMO D10-188 (Resolution No. 11-43)

(PRESENT: Commissioners Mazzucco, Marshall, DeJesus, Hammer, Kingsley, Slaughter, Lieutenant Falvey, Deputy City Attorney Blits, Chief Shawyer, Attorney Burrell)
(No Court Report present)

Motion by Commissioner Hammer, second by Commissioner Slaughter to recuse Commissioner Mazzucco. Approved 5-0.

PERSONNEL EXCEPTION: Status and calendaring of pending disciplinary cases

No discussion.

VOTE TO ELECT WHETHER TO DISCLOSE ANY OR ALL DISCUSSION HELD IN CLOSED SESSION

Motion by Commissioner Hammer, second by Commissioner Kingsley for non disclosure. Approved 5-0.

PUBLIC COMMENT

Marlon Crump read a letter to Mayor Lee in regards to Commissioner Marshall and asking for his resignation.

REPORTS TO THE COMMISSION

a. Chief's Report
- **Report on crime statistics**
- **Presentation of the 1st Quarter 2011 FDRB Findings & Recommendations**
- **Presentation of the OIS Investigation Status Summary**

Chief Shawyer gave a brief report on crime statistics.

Sergeant Nevin and Inspector Tomioka presented the FDRB report and the OIS status summary.

b. OCC Director's Report
- **Review of recent activities**

Director Hicks gave a brief statistical report in regards to mediation.

c. Commission reports
- **Commission President's report**
- **Commissioners' reports**
  - **Update regarding review of disciplinary process**

Commissioner Kingsley reported that she and Commissioner DeJesus met with the POA in regards to the disciplinary hearing process and talked about a Charter amendment in regards to the disciplinary process and stated that May 24th is the deadline for submitting a proposal for an amendment for the November ballot. Commissioner Kingsley stated that the Charter amendment would be that "the Department or the Chief would have full authority to decide all penalties through termination. If an officer wishes to appeal, the Police Commission would hear the appeal. Cases that come through the OCC will be handled as presently with sustained cases being forwarded to the Chief, the Department, and the Director having the power to refer a sustained case directly to the Commission."

Commissioner Marshall suggested having this agendized for discussion.

Commissioner Slaughter expressed concern in that in order to get a Charter amendment and get a consensus required from all the parties involved involving all the issues that would have to be addressed and getting something on by May 24th is not going to happen because you have to get everybody from the POA, the Department, the Mayor's Office, the Board of Supervisors, and the stakeholders to agree.

Commissioner DeJesus stated that she was in one meeting with the POA and there was no discussion about a Charter amendment. She stated that the discussion was how to revise the procedure kind of like an early intervention system and went on to talk about Prop H. She stated that this is kind of premature as the Commission have not discussed a Charter amendment.

Commissioner Hammer moved to continue this item until all seven Commissioners are present for discussion.

Commissioner Slaughter stated that the discipline process as it stands now is flawed and it's not fair to anybody and stated that the Commission should have an open and honest discussion about it.

Commissioner Kingsley stated that part of this discussion has to be discussed on closed session and proposed that part of the discussion will be in open session and agendized a separate closed session for further discussion.

Commissioner Marshall stated that the Commission have not discussed this item and proposed to agendized this item for discussion.

d. Commission Announcements and scheduling of items identified for consideration at future Commission meetings

Lieutenant Falvey announced that the Human Rights Commission would like to have the joint meeting on May 11th. Commissioner DeJesus will not be present at that time and stated that she would like to be present for the joint meeting.

Commissioner Hammer asked to agendized next week a discussion for possible revisions to DGO 2.07 and asked that the Procedural Rules Governing Trial of Disciplinary Cases revision be moved to next week.

Commissioner Kingsley would like community policing on the agenda for discussion.

PUBLIC COMMENT

Unidentified would like a community policing model rather than Compstat when it comes to crime statistics and went on to support patrol specials.

DISCUSSION AND POSSIBLE ACTION TO ADOPT REVISED POLICE COMMISSION PROCEDURAL RULES GOVERNING TRIAL OF DISCIPLINARY CASES

Put over to next week.

ADJOURNMENT

Motion by Commissioner Hammer, second by Commissioner Slaughter. Approved 4-0.

Thereafter, the meeting was adjourned at 8:56 p.m.

_____

Lieutenant Timothy Falvey
Secretary
San Francisco Police Commission

1071/rct

The Police Commission

CITY AND COUNTY OF SAN FRANCISCO

THOMAS MAZZUCCO
President

DR. JOEL MARSHALL
Vice President

PETRA DEJESUS
Commissioner

ANGELA CHAN
Commissioner

JAMES HAMMER
Commissioner

CAROL KINGSLEY
Commissioner

R. JAMES SLAUGHTER
Commissioner

Lieutenant Timothy Falvey
Secretary

SAN FRANCISCO POLICE COMMISSION AGENDA
REGULAR MEETING
WEDNESDAY, APRIL 27, 2011
5:30 p.m.

CITY HALL, ROOM 400
#1 Dr. Carlton B. Goodlett Place
San Francisco, California

Pledge of Allegiance; Roll Call

1. **Consent Calendar** (RECEIVE & FILE; ACTION)
   - Quarterly Report by the Department and the OCC regarding Policy Proposals

2. **General Public Comment**
   (The public is now welcome to address the Commission regarding items that do not appear on tonight's agenda but that are within the subject matter jurisdiction of the Commission. Speakers shall address their remarks to the Commission as a whole and not to individual Commissioners or Department or OCC personnel. Under Police Commission Rules of Order, during public comment, neither Police or OCC personnel, nor Commissioners are required to respond to questions presented by speakers. They may provide a brief response. Individual Commissioners and Police and OCC personnel should refrain, however, from entering into any debates or discussion with speakers during public comment. Please limit your comments to three (3) minutes.)

GOVERNMENT DOCUMENTS DEPT
APR 22 2011
SAN FRANCISCO PUBLIC LIBRARY

3. **Reports and Announcements**
   a. Chief's report (DISCUSSION)
      - Report on crime statistics
      - Review of recent activities
      - Report regarding Patrol Special Officers' compliance
        - Proof of insurance, uniform compliance, and total number of Patrol Special Officers
   b. OCC Director's report (DISCUSSION)
      - Review of recent activities
      - Presentation of the 1st Quarter 2011 Statistical Report & Monthly Comprehensive Statistical Report for the periods January 1, 2011 through March 31, 2011, and January 1, 2010 through March 31, 201
   c. Commission reports (DISCUSSION)
      - Commission President's report
      - Commissioners' reports
   d. Commission Announcements and scheduling of items identified for consideration at future Commission meetings (ACTION)

4. Discussion and possible action to adopt revised Police Commission Procedural Rules Governing Trial of Disciplinary Cases (DISCUSSION AND POSSIBLE ACTION)

The Police Commission

CITY AND COUNTY OF SAN FRANCISCO

THEODORE MAZZUCCO
President

DR. JOE MARSHALL
Vice President

PETRA DEJESUS
Commissioner

ANGELA CHAN
Commissioner

JAMES HAMMER
Commissioner

CAROL KINGSLEY
Commissioner

R. JAMES SLAUGHTER
Commissioner

Lieutenant Timothy Falvey
Secretary

SAN FRANCISCO POLICE COMMISSION AGENDA
REGULAR MEETING
WEDNESDAY, APRIL 27, 2011
5:30 p.m.

CITY HALL, ROOM 400
#1 Dr. Carlton B. Goodlett Place
San Francisco, California

5. CONFERENCE WITH LEGAL COUNSEL – Anticipated litigation as defendant (DISCUSSION)
Conference with legal counsel regarding anticipated litigation as defendant. This item may be heard in closed session under Government Code §54956.9(b) and San Francisco Administrative Code §67.10(d)(2).
   a. Public comment on agenda item No. 5, including public comment on whether to go into closed session.
   b. Vote whether to invoke the attorney-client privilege and hold closed session to confer with legal counsel. [Action]
   c. Conference regarding anticipated litigation.
   d. Reconvene in open session. Vote to elect whether to disclose any or all closed session discussions, pursuant to San Francisco Administrative Code §67.12(a). [Action]

6. Public comment on all matters pertaining to Item 8 below, Closed Session – Disciplinary Cases, including public comment on vote whether to hold Item 8 in closed session.

7. Vote on whether to hold Item 8 in closed session (ACTION)

8. **Closed Session – Disciplinary Cases**
Roll Call:
   a. Pursuant to Government Code Section 54957 and San Francisco Administrative Code Section 67.10(b) and Penal Code Section 832.7:
   PERSONNEL EXCEPTION: Discussion and possible action to adopt proposed Findings of Fact regarding the Commission's December 1, 2010 decision sustaining the Chief's suspension filed in the Appeal of the Chief's Suspension in Case No. JCT D06-173 (ACTION ITEM)
   b. Pursuant to Government Code Section 54957(b)(1) and San Francisco Administrative Code Section 67.10(b) and Penal Code Section 832.7:
   PERSONNEL EXCEPTION: Discussion and possible action to sustain or not sustain disciplinary charges filed in Case No. IVF C09-087, and to decide penalty, if necessary (ACTION ITEM)
   c. Pursuant to Government Code Section 54957(b)(1) and San Francisco Administrative Code Section 67.10(b) and Penal Code Section 832.7:
   PERSONNEL EXCEPTION: Discussion and possible action to sustain or not sustain disciplinary charges filed in Case No. IVF C09-088, and to decide penalty, if necessary (ACTION ITEM)
   d. Pursuant to Government Code Section 54957(b)(1) and San Francisco Administrative Code Section 67.10(b) and Penal Code Section 832.7:
   PERSONNEL EXCEPTION: Status and calendaring of pending disciplinary cases (DISCUSSION AND POSSIBLE ACTION)

The Police Commission

CITY AND COUNTY OF SAN FRANCISCO

THOMAS MAZZUCCO
President

DR. JOE MARSHALL
Vice President

PETRA DEJESUS
Commissioner

ANGELA CHAN
Commissioner

JAMES HAMMER
Commissioner

CAROL KINGSLEY
Commissioner

R. JAMES SLAUGHTER
Commissioner

Lieutenant Timothy Fry
Secretary

SAN FRANCISCO POLICE COMMISSION AGENDA
REGULAR MEETING
WEDNESDAY, APRIL 27, 2011
5:30 p.m.

CITY HALL, ROOM 400
#1 Dr. Carlton B. Goodlett Place
San Francisco, California

(OPEN SESSION) Roll Call.

9. Vote to elect whether to disclose any or all discussion on Item 8 held in closed session (San Francisco Administrative Code Section 67.12(a)) (ACTION)

10. **Adjournment** (ACTION ITEM)

SUPPORTING DOCUMENTATION FOR POLICE COMMISSION AGENDA ITEMS THAT ARE NOT CONFIDENTIAL AND DOCUMENTATION THAT HAVE BEEN DISTRIBUTED TO THE COMMISSION AFTER DISTRIBUTION OF THE AGENDA PACKETS ARE AVAILABLE FOR REVIEW AT THE POLICE COMMISSION OFFICE, THOMAS J. CAHILL HALL OF JUSTICE, 850 BRYANT STREET, ROOM 505, SAN FRANCISCO, CA 94103, DURING NORMAL BUSINESS HOURS. (415) 553-1667

The Police Commission

CITY AND COUNTY OF SAN FRANCISCO

THOMAS MAZZUCCO
President

DR. JOE MARSHALL
Vice President

PETRA DEJESUS
Commissioner

ANGELA CHAN
Commissioner

JAMES HAMMER
Commissioner

CAROL KINGSLEY
Commissioner

R. JAMES SLAUGHTER
Commissioner

Lieutenant Timothy Falvey
Secretary

SAN FRANCISCO POLICE COMMISSION AGENDA

REGULAR MEETING

The Commission will hear public comment on all agenda items before or during discussion of the item.

The ringing of and use of cell phones, pagers and similar sound-producing electronic devices are prohibited at this meeting. Please be advised that the Chair may order the removal from the meeting room of any person(s) responsible for the ringing or use of a cell phone, pager, or other similar sound-producing electronic devices.

KNOW YOUR RIGHTS UNDER THE SUNSHINE ORDINANCE

(Chapter 67 of the San Francisco Administrative Code)

Government's duty is to serve the public, reaching its decisions in full view of the public.

Commissions, boards, councils, and other agencies of the City and County exist to conduct the people's business. This ordinance assures that deliberations are conducted before the people and that City operations are open to the people's review.

FOR MORE INFORMATION ON YOUR RIGHTS UNDER THE SUNSHINE ORDINANCE OR TO REPORT VIOLATION OF THE ORDINANCE, CONTACT THE SUNSHINE ORDINANCE TASK FORCE: ADMINISTRATOR, CITY HALL, ROOM 244, #1 DR. CARLTON B. GOODLETT PLACE, SAN FRANCISCO, CA 94102-4689; OFFICE (415) 554-5163. COPIES OF THE SUNSHINE ORDINANCE CAN BE OBTAINED FROM THE CLERK OF THE SUNSHINE TASK FORCE, THE SAN FRANCISCO PUBLIC LIBRARY, AND ON THE CITY'S WEBSITE AT www.ci.sf.ca.us/bdsupvrs/sunshine

Lobbyist Registration and Reporting Requirements
Individuals and entities that influence or attempt to influence local legislative or administrative action may be required by the San Francisco Lobbyist Ordinance [SF Campaign & Government Code §2.100] to register and report lobbying activity. For more information about the Lobbyist Ordinance, please contact the San Francisco Ethics Commission at 30 Ness Avenue, Suite 3900, San Francisco, CA 94102; telephone (415) 581-2300; fax (415) 581-2317; webs site www.sfgov.org/ethics.

SAN FRANCISCO POLICE COMMISSION
PUBLIC MEETING/HEARING ACCESSIBILITY INFORMATION

Communication accessibility services; including sign language interpreters or computer aided real time captioning will be made available upon advance request. Please call the Police Commission Office at 553-1667 (v) or 553-9194 (tty), at least 72 hours prior to a proceeding. Late requests will be honored if possible.

A **sound enhancement system** will be available on request at the proceeding.

Meeting agendas and other print materials will be made available in alternate formats (computer disk, via email, fax, large print) upon advance request at least 72 hours prior to a proceeding. Please call the Police Commission Office at 553-1667 (v) or 553-9194 (tty). Late requests will be honored if possible.

Individuals with severe allergies, environmental illness, multiple chemical sensitivity or related disabilities should call 553-1667 to discuss meeting accessibility. In order to assist the City's efforts to accommodate such people, attendees at public meetings are reminded that other attendees may be sensitive to various chemical based products.

The proceeding will be held at City Hall, Room 400, #1 Dr. Carlton B. Goodlett Place, San Francisco. The closest accessible BART station is the Civic Center Station. For information about MUNI service, please call 311.

Accessible parking are available on Carlton Goodlett Place, Grove Street, and Van Ness Avenue.

Accessible seating for persons with disabilities and wheelchairs will be available.

For information about the meeting, please call 553-1667(v) or 553-9194 (tty).

APRIL 27 2011 REGULAR MEETING

The Police Commission of the City and County of San Francisco met in Room 400, City Hall, #1 Dr. Carlton B. Goodlett Place, San Francisco, at 5:45 p.m.

PRESENT: Commissioners Mazzucco, Marshall, DeJesus, Chan, Hammer, Kingsley, Slaughter

Commissioner Mazzucco introduced newly appointed Chief of Police Greg Suhr. Commissioners Marshall, Hammer, Kingsley, DeJesus, Chan, Slaughter, and Director Hicks said a few words welcoming and congratulating Chief Suhr.

Chief Suhr thanked the Commissioners.

CONSENT CALENDAR

- **Quarterly report by the Department and the OCC regarding Policy Proposals**

Motion by Commissioner Marshall, second by Commissioner Slaughter. Approved by 7-0

PUBLIC COMMENT

None

PUBLIC COMMENT

Lieutenant Lea Militello, Pride Alliance, congratulated Chief Suhr and expressed her support for Chief Suhr. Lt. Militello also discussed the issue of a patrol special and how Officer Evans was not treated fairly by the media in regards to this matter.

Commissioner Hammer explained that nothing that was said in regards to this matter was meant to discredit Officer Evans.

Emil Harrison congratulated Chief Suhr and discussed concerns regarding the homicide of his brother.

Unidentified congratulated Chief Suhr and discussed concerns regarding patrol specials.

Eric King discussed concerns regarding his complaint filed with the OCC and how he is being harassed by officers and would like an explanation from the OCC as to the findings of the investigation.

Ray Hartz, SF Open Government, discussed concerns regarding how the meeting was conducted.

Unidentified congratulated Chief Suhr.

Emil Lawrence welcomed Chief Suhr and discussed concerns regarding the DROP program and concerns about former Chief Gascón. (Provided copies of Bay Guardian and SF Weekly magazines)

Barry Taranto, cab driver, welcomed Chief Suhr and would like to nominate Commissioner Chan as Commissioner of the Year for her work with the CIT members.

George Shipman, Northbeach, advised Chief Suhr to make a choice between the people and the police union.

Clyde commended Chief Suhr.

REPORTS AND ANNOUNCEMENTS

a. **Chief's Report**

- **Report on crime statistics**
- **Review of recent activities**
- **Report regarding Patrol Special Officers' compliance**
  - **Proof of insurance, uniform compliance, and total number of Patrol Special Officers**

Chief Suhr gave a brief report on crime statistics.

Lieutenant Henry Parra presented report regarding Patrol Specials. He reported that there was a release of a Department Bulletin in regards to Patrol Specials. Lt. Parra reported that there are 42 patrol specials, 15 inactive, 27 active patrol specials. Out of

GOVERNMENT DOCUMENTS DEPT

JUN - 3 2011

SAN FRANCISCO PUBLIC LIBRARY

the 27 patrol specials, 9 are beat owners. There are 67 beats in SF in which 28 are actively worked and the rest abandoned. Insurance compliance: As of this date 3 of the 9 patrol specials are not in compliance. Information sheet: 10 failed to provide information sheets and three are not in compliance with the range. There is one file in Backgrounds that was received 2/12/11 with the turnaround time in backgrounds of 1 month. MCD complaints: 2006, 9 complaints; 2007, 5 complaints; 2008, 3 complaints; 2009, 25 complaints; 2010, 9 complaints. Lt. Parra also thanked PSO Byard for his help in helping with this report.

Commissioner Slaughter stated that the work done by Lt. Parra needs to continue and expressed the importance of compliance by the patrol special officers. Commissioner Slaughter asked about the abandoned beats and asked Lt. Parra to keep monitoring Patrol Specials Officers and their compliance with the rules.

Commissioner Hammer thanked Lt. Parra for his work and suggested that on the most serious violations (insurance, range qualifications) he would like a report as to who is in violation and bring those back to the Commission for action in a week or two. Commissioner Hammer urged the patrol specials to turn over their client lists.

Commissioner Kingsley asked about what options does the Commission have in terms of addressing non compliance by the patrol specials. Deputy City Attorney Porter stated that the Chief can suspend patrol specials immediately.

Commissioner Mazzucco stated that he would feel more comfortable that those patrol specials that are not in compliance in regards to insurance and range qualifications are not on the street.

Commissioner DeJesus thanked PSO Byard for working with Lt. Parra and also stated that it is important that patrol specials follow the rules.

Chief Suhr asked Lt. Parra to call the three patrol specials to stand down until they are in compliance.

Commissioner Mazzucco asked that those three officers in non compliance not be working tonight.

Lt. Parra commended Chief Suhr and thanked the Commission for picking him.

b. OCC Director's Report
- **Review of recent activities**
- **Presentation of the 1st Quarter 2011 Statistical Report & Monthly Comprehensive Statistical Report for the periods January 1, 2011 through March 31, 2011, and January 1, 2010 through March 31, 2010**

Director Hicks reported on recent activities and budget issues and presented the OCC's statistical reports.

c. Commission Reports
- **Commission President's Report**
- **Commissioners' Reports**

Commissioner Mazzucco reported that he met with the Human Rights Commission, ALCU, Asian Law Caucus, HRC, in regards to the MOU with the FBI in regards to the joint terrorism taskforce and discussed his concerns in regards to an article by the Bay Guardian and stated that from what he has seen he feels that the officers are in complete compliance.

Commissioner DeJesus expressed some concerns in regards to some ambiguity in the language of the MOU and that officers should not be put in the position of violating DGOs.

d. Commission Announcements, scheduling of items identified for consideration at future Commission meetings

Commissioner Mazzucco asked the availability of the Commission for a joint meeting with the Human Rights Commission on May 18th.

Commissioner Kingsley would like the Commission to recognize Acting Chief Godown.

PUBLIC COMMENT

Ray Hartz, SF Open Government, discussed concerns regarding Patrol Special Rules adopted in 2008 and the non compliance by patrol special officers. He further went on to discuss the OCC report.

Emil Lawrence discussed concerns regarding the OCC report.

Unidentified thanked the Commission for doing something about patrol specials and stated that it is not enough and stated that the report said that they should be out of business for not following the rules.

Steve Johnson, POA, discussed concerns regarding the OCC investigation of traffic stops and that it should not be a citizen's complaint and should be dealt with by the Department.

PSO Byard congratulated Chief Suhr and discussed range qualifications for patrol special officers. PSO Byard also handed Lt. Falvey his clients' list.

Ann Grogan congratulated Chief Suhr. She went on to state that she agrees with Chief Suhr in taking the three patrol special officers off the street for their non compliance with the range. She went on to talk about two application packets for patrol special officers.

Michael Denny expressed his support for patrol special officers and talked about the relationship between the patrol specials and the department.

Commissioner Mazzucco asked for a status report in regards to patrol specials.

DISCUSSION AND POSSIBLE ACTION TO ADOPT REVISED POLICE COMMISSION PROCEDURAL RULES GOVERNING TRIAL OF DISCIPLINARY CASES
REPORTS TO THE COMMISSION

Commissioner Hammer gave a brief background as to the revision of the Police Commission procedural rules governing trial of disciplinary cases and went on to go over some of the major changes.

Commissioner Kingsley thanked Commissioner Hammer and Deputy City Attorney Blits for their hard work.

Commissioner Chan thanked Commissioner Hammer for his hard work with the rules.

Commissioner Slaughter thanked Commissioner Hammer for his work and talked about mandating an early face-to-face meeting is a great idea and talked about open versus closed hearings and deliberations in closed sessions.

Motion by Commissioner Hammer to amend (page 8) B.2.e: Conduct an Early Case Resolution Conference. At an Early Case Resolution Conference the accused Member and his or her Representative must attend in person, and the Chief or his or her designee must also attend in person. Commissioner Hammer also talked about the Chief meeting with the officer before charges are filed to discuss penalty and having a stipulated agreement filed with the charges to save time.

Chief Suhr thanked Commissioner Hammer for the work done.

Commissioner Mazzucco thanked Commissioner Hammer for his tremendous work with the rules.

Commissioner Marshall asked that there be an in-service study guide for commissioners in regards to the rules.

Commissioner Kingsley requested developing a "dummy's bible" or a CD of the in-service training for each new commissioners coming in.

Motion by Commissioner DeJesus to adopted proposed rules with amendment from Commissioner Hammer, second by Commissioner Slaughter. Ayes 7-0

Commissioner Hammer read the following statement for the record: "The amended proposed Procedural Rules Governing Trials of Disciplinary Cases incorporate and amend and supersede Resolution 52-07, adopted May 23, 2007, which were the Police Commission's Supplemental Rules Governing Assignment of Police Commission Cases to a Hearing Officer."

Comments by Ms. Blits in regards to amendment by Commissioner Hammer.

PUBLIC COMMENT

Mr. Steve Johnson, POA, would like all the updated amendments. Mr. Johnson also stated that discovery is very important and that the designee for the Chief should have settlement authority. Mr. Johnson also suggested that the captains be part of settlement recommendations to the Chief as far as penalty is concern.

Ray Hartz, SF Open Government, discussed concerns regarding rules and concerns about hearing being held in closed session.

Chief Suhr stated that he will commit to be present in all of these prehearings and if he is unavailable, it would not be a designee, it would be the acting chief at that time that will attend.

CONFERENCE WITH LEGAL COUNSEL – Anticipated litigation as defendant

None

PUBLIC COMMENT ON ALL MATTERS PERTAINING TO CLOSED SESSION

None

VOTE ON WHETHER TO HOLD CLOSED SESSION

None. Closed Session put over at a later date.

CLOSED SESSION

a. **PERSONNEL EXCEPTION: Discussion and possible action to adopt proposed Findings of Fact regarding the Commission's December 1, 2010 decision sustaining the Chief's suspension in Case No. JCT D06-173**

b. **PERSONNEL EXCEPTION: Discussion and possible action to sustain or not sustain disciplinary charges filed in Case no. IVF C09-087, and to decide penalty, if necessary**

c. **PERSONNEL EXCPETION: Discussion and possible action to sustain or not sustain disciplinary charges filed in Case No. IVF C9-088, and to decide penalty, if necessary**

d. **PERSONNEL EXCEPTION: Status and calendaring of pending disciplinary cases**

VOTE TO ELECT WHETHER TO DISCLOSE ANY OR ALL DISCUSSION HELD IN CLOSED SESSION

None

ADJOURNMENT

Motion by Commissioner Hammer, second by Commissioner Kingsley. Approved 7-0

Thereafter, the meeting was adjourned at 8:36 p.m.

Lieutenant Timothy Falvey
Secretary
San Francisco Police Commission

1070/rct

The Police Commission

CITY AND COUNTY OF SAN FRANCISCO

THOMAS MAZZUCCO
President

DR. JOE MARSHALL
Vice President

PETRA DEJESUS
Commissioner

ANGELA CHAN
Commissioner

JAMES HAMMER
Commissioner

CAROL KINGSLEY
Commissioner

R. JAMES SLAUGHTER
Commissioner

Lieutenant Timothy Falvey
Secretary

SAN FRANCISCO POLICE COMMISSION AGENDA
REGULAR MEETING
WEDNESDAY, May 4, 2011
5:30 p.m.

CITY HALL, ROOM 400
#1 Dr. Carlton B. Goodlett Place
San Francisco, California

Pledge of Allegiance; Roll Call

1. **General Public Comment**
(The public is now welcome to address the Commission regarding items that do not appear on tonight's agenda but that are within the subject matter jurisdiction of the Commission. Speakers shall address their remarks to the Commission as a whole and not to individual Commissioners or Department or OCC personnel. Under Police Commission Rules of Order, during public comment, neither Police or OCC personnel, nor Commissioners are required to respond to questions presented by the public but, may provide a brief response. Individual Commissioners and Police and OCC personnel should refrain, however, from entering into any debates or discussion with speakers during public comment. Please limit your comments to three (3) minutes.)

2. **Reports and Announcements**
   a. Chief's report (DISCUSSION)
      - Report on crime statistics
      - Review of recent activities
      - Status report regarding Patrol Special Officers' compliance
   b. OCC Director's report (DISCUSSION)
      - Review of recent activities
   c. Commission reports (DISCUSSION)
      - Commission President's report
      - Commissioners' reports
   d. Commission announcements and scheduling of items identified for consideration at future Commission meetings (ACTION)

GOVERNMENT
DOCUMENTS DEPT

MAY - 2 2011

SAN FRANCISCO
PUBLIC LIBRARY

3. Discussion and possible action to recommend that the Board of Supervisors adopt a resolution authorizing the Chief of Police to retroactively accept and expend $155,370 of FY 2007 Supplemental Port Security Grant Program (PSGP) funds from the Federal Emergency Management Agency (ACTION)

4. Discussion and possible action to recommend that the Board of Supervisors adopt a resolution authorizing the Chief of Police to retroactively accept and expend $458,000 of FY 2008 Port Security Grant Program (PSGP) fund from the Federal Emergency Management Agency (ACTION)

5. Discussion and possible action to recommend that the Board of Supervisors adopt a resolution authorizing the Chief of Police to retroactively accept and expend $1,863,920 of FY 2010 Port Security Grant Program (PSGP) funds from the Federal Emergency Management Agency (ACTION)

The Police Commission

CITY AND COUNTY OF SAN FRANCISCO

THOMAS MAZZUCCO
President

DR. JOE MARSHALL
Vice President

PETRA DEJESUS
Commissioner

ANGELA CHAN
Commissioner

JAMES HAMMER
Commissioner

CAROL KINGSLEY
Commissioner

R. JAMES SLAUGHTER
Commissioner

Lieutenant Timothy Falvey
Secretary

SAN FRANCISCO POLICE COMMISSION AGENDA
REGULAR MEETING
WEDNESDAY, MAY 4, 2011
5:30 p.m.

CITY HALL, ROOM 400
#1 Dr. Carlton B. Goodlett Place
San Francisco, California

6. Public comment on all matters pertaining to Item 8 below, Closed Session – Disciplinary Cases, including public comment on vote whether to hold Item 8 in closed session.

7. Vote on whether to hold Item 8 in closed session (ACTION)

8. **Closed Session – Disciplinary Cases**
   Roll Call;
   a. Pursuant to Government Code Section 54957 and San Francisco Administrative Code Section 67.10(b) and Penal Code Section 832.7:
      PERSONNEL EXCEPTION: Assignment of disciplinary charges filed in Case No. JWA C11-081 to a Commissioner for taking of evidence on a date to be determined by the Commissioner (ACTION)
   b. Pursuant to Government Code Section 54957(b)(1) and San Francisco Administrative Code Section 67.10(b) and Penal Code Section 832.7:
      PERSONNEL EXCEPTION: Status and calendaring of pending disciplinary cases (DISCUSSION AND POSSIBLE ACTION)

(OPEN SESSION) Roll Call.

9. Vote to elect whether to disclose any or all discussion on Item 8 held in closed session (San Francisco Administrative Code Section 67.12(a)) (ACTION)

10. **Adjournment** (ACTION ITEM)

** SUPPORTING DOCUMENTATION FOR POLICE COMMISSION AGENDA ITEMS THAT ARE NOT CONFIDENTIAL AND DOCUMENTATION THAT HAVE BEEN DISTRIBUTED TO THE COMMISSION AFTER DISTRIBUTION OF THE AGENDA PACKETS ARE AVAILABLE FOR REVIEW AT THE POLICE COMMISSION OFFICE, THOMAS J. CAHILL HALL OF JUSTICE, 850 BRYANT STREET, ROOM 505, SAN FRANCISCO, CA 94103, DURING NORMAL BUSINESS HOURS

The Police Commission

CITY AND COUNTY OF SAN FRANCISCO

THOMAS MAZZUCCO
President

DR. JOE MARSHALL
Vice President

PETRA DEJESUS
Commissioner

ANGELA CHAN
Commissioner

JAMES HAMMER
Commissioner

CAROL KINGSLEY
Commissioner

R. JAMES SLAUGHTER
Commissioner

Lieutenant Timothy Falvey
Secretary

SAN FRANCISCO POLICE COMMISSION AGENDA

REGULAR MEETING

The Commission will hear public comment on all agenda items before or during discussion of the item.

The ringing of and use of cell phones, pagers and similar sound-producing electronic devices are prohibited at this meeting. Please be advised that the Chair may order the removal from the meeting room of any person(s) responsible for the ringing or use of a cell phone, pager, or other similar sound-producing electronic devices.

KNOW YOUR RIGHTS UNDER THE SUNSHINE ORDINANCE

(Chapter 67 of the San Francisco Administrative Code)

Government's duty is to serve the public, reaching its decisions in full view of the public.

Commissions, boards, councils, and other agencies of the City and County exist to conduct the people's business. This ordinance assures that deliberations are conducted before the people and that City operations are open to the people's review.

FOR MORE INFORMATION ON YOUR RIGHTS UNDER THE SUNSHINE ORDINANCE OR TO REPORT VIOLATION OF THE ORDINANCE, CONTACT THE SUNSHINE ORDINANCE TASK FORCE: ADMINISTRATOR, CITY HALL, ROOM 244, #1 DR. CARLTON B. GOODLETT PLACE, SAN FRANCISCO, CA 94102-4689; OFFICE (415) 554-5163. COPIES OF THE SUNSHINE ORDINANCE CAN BE OBTAINED FROM THE CLERK OF THE SUNSHINE TASK FORCE, THE SAN FRANCISCO PUBLIC LIBRARY, AND ON THE CITY'S WEBSITE AT www.ci.sf.ca.us/bdsupvrs/sunshine

Lobbyist Registration and Reporting Requirements
Individuals and entities that influence or attempt to influence local legislative or administrative action may be required by the San Francisco Lobbyist Ordinance [SF Campaign & Government Code §2.100] to register and report lobbying activity. For more information about the Lobbyist Ordinance, please contact the San Francisco Ethics Commission at 30 Ness Avenue, Suite 3900, San Francisco, CA 94102; telephone (415) 581-2300; fax (415) 581-2317; webs site www.sfgov.org/ethics.

SAN FRANCISCO POLICE COMMISSION
PUBLIC MEETING/HEARING ACCESSIBILITY INFORMATION

Communication accessibility services; including sign language interpreters or computer aided real time captioning will be made available upon advance request. Please call the Police Commission Office at 553-1667 (v) or 553-9194 (tty), at least 72 hours prior to a proceeding. Late requests will be honored if possible.

A **sound enhancement system** will be available on request at the proceeding.

Meeting agendas and other print materials will be made available in alternate formats (computer disk, via email, fax, large print) upon advance request at least 72 hours prior to a proceeding. Please call the Police Commission Office at 553-1667 (v) or 553-9194 (tty). Late requests will be honored if possible.

Individuals with severe allergies, environmental illness, multiple chemical sensitivity or related disabilities should call 553-1667 to discuss meeting accessibility. In order to assist the City's efforts to accommodate such people, attendees at public meetings are reminded that other attendees may be sensitive to various chemical based products.

The proceeding will be held at City Hall, Room 400, #1 Dr. Carlton B. Goodlett Place, San Francisco. The closest accessible BART station is the Civic Center Station. For information about MUNI service, please call 311.

Accessible parking are available on Carlton Goodlett Place, Grove Street, and Van Ness Avenue.

Accessible seating for persons with disabilities and wheelchairs will be available.

For information about the meeting, please call 553-1667(v) or 553-9194 (tty).

MAY 4, 2011 REGULAR MEETING

The Police Commission of the City and County of San Francisco met in Room 400, City Hall, #1 Dr. Carlton B. Goodlett Place, San Francisco, at 5:40 p.m.

PRESENT: Commissioners Mazzucco, Chan, Hammer, Kingsley, Slaughter
ABSENT: Commissioners Marshall, DeJesus

PUBLIC COMMENT

Emil Lawrence thanked Commissioner Kingsley for her response to his letter. He stated that a passenger thanked him for asking questions. (Public record request submitted)

Peter Sherleff discussed concerns and invited everyone to support the general strike and read a poem regarding Casey Sheehan.

Ann Grogan talked about how common citizens can help with the budget crisis and invited the commission to a safety awareness and self defense class. Information at glenparksafety.com.

Ken Craig stated that Sunday is the death anniversary of Jane Warner's death and invited the Commission to come on Sunday to an event celebrating her life.

Tom Silhorst discussed concerns regarding patrol special officers and discussed concerns about Mission Station.

Ms. Paulette Brown discussed the homicide of her son on August 14, 2006 and asked why her son's case has not been solved and asked for help.

Clyde stated that the officers' morale in the streets have improved due to the appointment of Chief Suhr. He went on to talk about the DNA lab.

REPORTS AND ANNOUNCEMENTS
- **Commissioners' Reports**

Taken out of order.

Commissioner Mazzucco explained that he called Chief Godown to attend tonight's meeting to commend him for running the Department as acting chief and talked about what an excellent job he has done and went on to thank him for the work he has done.

Commissioner Slaughter commended and thanked Chief Godown for providing the stability and leadership necessary.

Commissioner Kingsley thanked Chief Godown for taking on a very high stress top job and went on to commend him for a job excellently done.

Commissioner Chan thanked Chief Godown for taking the job and talked about how she appreciated Chief Godown's honesty in dealing with community groups.

Commissioner Mazzucco presented Chief Godown with a Certificate of Merit and Appreciation.

Chief Godown thanked the Commission.

Chief Suhr commended Chief Godown.

REPORTS AND ANNOUNCEMENTS
a. **Chief's Report**
- **Report on crime statistics**
- **Review of recent activities**
- **Status report regarding Patrol Special Officers' compliance**

Chief Suhr briefed the Commission in regards to the press conference regarding arrests made in the homicide of the German tourist.

GOVERNMENT
DOCUMENTS DEPT

JUN - 3 2011

SAN FRANCISCO
PUBLIC LIBRARY

Chief Suhr gave a brief report on crime statistics. Chief Suhr also talked about changes made in the command staff with assistant chiefs changed to deputy chiefs.

Commissioner Slaughter stated that he is looking forward on how the Chief will put together his command staff. Commissioner Slaughter also commended Chief Shawyer, Godown, and Schmitt for working with the Chief.

Commissioner Chan thanked the Chief for his quick follow up in regards to E585 bulletin.

Lieutenant Henry Parra presented status report regarding Patrol Specials. Lt. Parra stated that there are three who are not in compliance with range qualifications and those three have been ordered to stand down until they qualify. As far as the client list, only one is not in compliance. Lt. Parra also recommended to reinstate lieutenants at district stations to act as liaison to patrol special officers.

Commissioner Mazzucco thanked Lt. Parra for his report and thanked the patrol special officers for their compliance.

b. OCC Director's Report
- Review of recent activities

Director Hicks no recent activities to report but thanked Chief Suhr for the open door policy.

c. Commission Reports
- Commission President's Report

Commissioner Mazzucco talked about a dinner honoring Inspector Gallagher.

Commissioner Chan talked about CIT meeting with Chief Suhr.

d. Commission Announcements, scheduling of items identified for consideration at future Commission meetings

Lieutenant Falvey announced that the Joint meeting with the Human Rights Commission will be on May 18th.

Commissioner Mazzucco explained why Commissioner Hammer is not present and that's because his term expired on April 30th and hopes that he will be back soon with the Commission.

Commissioner Chan also commended Commissioner Hammer for his work with the Commission.

Commissioner Kingsley wishes Commissioner Hammer good luck through the process or with whatever decision he makes.

PUBLIC COMMENT

Ann Grogan stated that she will work with the Commission and Lt. Parra to address any concerns the Commission may have in regards to patrol specials.

Tom Silhorst asked that the patrol specials be put out of business.

Emil Lawrence discussed unsolved homicides in the city.

Barbara Grown discussed concerns and handed Chief Suhr a VHS video tape.

DISCUSSION AND POSSIBLE ACTION TO RECOMMEND THAT THE BOARD OF SUPERVISORS ADOPT A RESOLUTION AUTHORIZING THE CHIEF OF POLICE TO RETROACTIVELY ACCEPT AND EXPEND $155,370 OF FY 2007 SUPPLEMENTAL PORT SECURITY GRANT PROGRAM (PSGP) FUNDS FROM THE FEDERAL EMERGENCY MANAGEMENT AGENCY

and

DISCUSSION AND POSSIBLE ACTION TO RECOMMEND THAT THE BOARD OF SUPERVISORS ADOPT A RESOLUTION AUTHORIZING THE CHIEF OF POLICE TO RETROACTIVELY ACCEPT AND EXPEND $458,000 OF FY 2008 PORT SECURITY GRANT PROGRAM (PSGP) FUND FROM THE FEDERAL EMERGENCY MANAGEMENT AGENCY

and

DISCUSSION AND POSSIBLE ACTION TO RECOMMEND THAT THE BOARD OF SUPERVISORS ADOPT A RESOLUTION AUTHORIZING THE CHIEF OF POLICE TO RETROACTIVELY ACCEPT AND EXPEND $1,863,920 OF FY 2010 PORT SECURITY GRANT PROGRAM (PSGP) FUNDS FROM THE FEDERAL EMERGENCY MANAGEMENT AGENCY

Captain Rick Parry and Sgt. Keith Matthews presented the three grants and described what the grant funds will be used for.

Motion by Commissioner Slaughter, second by Commissioner Kingsley. Approved 5-0.

PUBLIC COMMENT

No public comment on all 3 grants.

RESOLUTION NO. 11-44

RESOLUTION AUTHORIZING THE CHIEF OF POLICE TO RETROACTIVELY ACCEPT AND EXPEND $155,370 OF FY 2007 SUPPLEMENTAL PORT SECURITY GRANT PROGRAM (PSGP) FUNDS FROM THE FEDERAL EMERGENCY MANAGEMENT AGENCY

RESOLVED, that the Police Commission hereby approves the request of the Chief of Police to retroactively accept and expend $155,370 of FY 2007 Supplemental Port Security Grant Program (PSGP) funds from the Federal Emergency Management Agency.

AYES: Commissioners Mazzucco, Chan, Kingsley, Slaughter
ABSENT: Commissioners Marshall, DeJesus

RESOLUTION NO. 11-45

RESOLUTION AUTHORIZING THE CHIEF OF POLICE TO RETROACTIVELY ACCEPT AND EXPEND $458,000 OF FY 2008 PORT SECURITY GRANT PROGRAM (PSGP) FUNDS FROM THE FEDERAL EMERGENCY MANAGEMENT AGENCY

RESOLVED, that the Police Commission hereby approves the request of the Chief of Police to retroactively accept and expend $458,000 of FY 2008 Port Security Grant Program (PSGP) funds from the Federal Emergency Management Agency.

AYES: Commissioners Mazzucco, Chan, Kingsley, Slaughter
ABSENT: Commissioners Marshall, DeJesus

RESOLUTION NO. 11-46

RESOLUTION AUTHORIZING THE CHIEF OF POLICE TO RETROACTIVELY ACCEPT AND EXPEND $1,863,920 OF FY 2010 PORT SECURITY GRANT PROGRAM (PSGP) FUNDS FROM THE FEDERAL EMERGENCY MANAGEMENT AGENCY

RESOLVED, that the Police Commission hereby approves the request of the Chief of Police to retroactively accept and expend $1,863,920 of FY 2010 Port Security Grant Program (PSGP) funds from the Federal Emergency Management Agency.

AYES: Commissioners Mazzucco, Chan, Kingsley, Slaughter
ABSENT: Commissioners Marshall, DeJesus

PUBLIC COMMENT ON ALL MATTERS PERTAINING TO CLOSED SESSION

None

VOTE ON WHETHER TO HOLD CLOSED SESSION

Motion by Commissioner Slaughter, second by Commissioner Kingsley. Approved 5-0.

CLOSED SESSION (6:40 p.m. to 7:05 p.m.)

a. **PERSONNEL EXCEPTION: Assignment of disciplinary charges filed in Case No. JWA C11-081 to a Commissioner for taking of evidence on a date to be determined by the Commissioner** (Assigned to Commissioner Kingsley, Resolution No. 11-47) (PRESENT: Commissioners Mazzucco, Chan, Kingsley, Slaughter, Lieutenant Falvey, Risa Tom, Chief Suhr, Deputy Chief Shawyer, Commander Mahoney, Deputy City Attorney Blits, Attorney Alden, Mr. Steve Johnson)

b. **PERSONNEL EXCEPTION: Status and calendaring of pending disciplinary cases** (PRESENT: Commissioners Mazzucco, Chan, Kingsley, Slaughter, Lieutenant Falvey, Risa Tom, Deputy City Attorney Blits)

VOTE TO ELECT WHETHER TO DISCLOSE ANY OR ALL DISCUSSION HELD IN CLOSED SESSION

Motion by Commissioner Kingsley, second by Commissioner Chan for non disclosure. Approved 4-0.

ADJOURNMENT

Motion by Commissioner Kingsley, second by Commissioner Chan. Approved 4-0.

Thereafter, the meeting was adjourned at 7:05 p.m.

_____

Lieutenant Timothy Falvey
Secretary
San Francisco Police Commission

1071/rct

SAN FRANCISCO POLICE COMMISSION AGENDA
NO MEETING NOTICE

15
1
11/11
ancelled

The Police Commission will not meet on **Wednesday, May 11, 2011**.
Please join the Commission at its next meeting on

Wednesday, May 18, 2011
(Please check www.sfgov.org for agenda posting)

GOVERNMENT
DOCUMENTS DEPT
MAY - 6 2011
SAN FRANCISCO
PUBLIC LIBRARY

The Police Commission

CITY AND COUNTY OF SAN FRANCISCO

THOMAS MAZZUCCO
President

DR. JOE MARSHALL
Vice President

PETRA DEJESUS
Commissioner

ANGELA CHAN
Commissioner

JAMES HAMMER
Commissioner

CAROL KINGSLEY
Commissioner

R. JAMES SLAUGHTER
Commissioner

Lieutenant Timothy Falvey
Secretary

GOVERNMENT
DOCUMENTS DEPT

MAY 1 2 2011

SAN FRANCISCO
PUBLIC LIBRARY

SAN FRANCISCO POLICE COMMISSION
and
HUMAN RIGHTS COMMISSION
JOINT MEETING

WEDNESDAY, MAY 18, 2011
5:30 p.m.

CITY HALL, ROOM 250
#1 Dr. Carlton B. Goodlett Place
San Francisco, California

Pledge of Allegiance; Roll Call

1. **General Public Comment**
(The public is now welcome to address the Commission regarding items that do not appear on tonight's agenda but that are within the subject matter jurisdiction of the Commission. Speakers shall address their remarks to the Commission as a whole and not to individual Commissioners or Department or OCC personnel. Under Police Commission Rules of Order, during public comment, neither Police or OCC personnel, nor Commissioners are required to respond to questions presented by the public but, may provide a brief response. Individual Commissioners and Police and OCC personnel should refrain, however, from entering into any debates or discussion with speakers during public comment. Please limit your comments to three (3) minutes.)

2. San Francisco Police Department's response to concerns raised by the Human Rights Commission's September 23, 2010 Hearing Report, *"Community Concerns of Surveillance, Racial and Religious Profiling of Arab, Middle Eastern, Muslim, and South Asian Communities and Potential Reactivation of SFPD Intelligence Gathering,"* adopted February 24, 2011 (DISCUSSION)

   - Commissioner Thomas Mazzucco, Police Commission: Introduction and overview
   - Commissioner Michael Sweet, Human Rights Commission: Background and overview of the September 23, 2010 hearing and report
   - Director Theresa Sparks, Human Rights Commission
   - Chief of Police Gregory P. Suhr: San Francisco Police Department practices and policies
   - John Crew, ACLU, and Veena Dubal, Asian Law Caucus (5 minutes)

3. **Adjournment** (ACTION)

** SUPPORTING DOCUMENTATION FOR POLICE COMMISSION AGENDA ITEMS THAT ARE NOT CONFIDENTIAL AND DOCUMENTATION THAT HAVE BEEN DISTRIBUTED TO THE COMMISSION AFTER DISTRIBUTION OF THE AGENDA PACKETS ARE AVAILABLE FOR REVIEW AT THE POLICE COMMISSION OFFICE, THOMAS J. CAHILL HALL OF JUSTICE, 850 BRYANT STREET, ROOM 505, SAN FRANCISCO, CA 94103, DURING NORMAL BUSINESS HOURS

The Police Commission

CITY AND COUNTY OF SAN FRANCISCO

THOMAS MAZZUCCO
President

DR. JOE MARSHALL
Vice President

PETRA DEJESUS
Commissioner

ANGELA CHAN
Commissioner

JAMES HAMMER
Commissioner

CAROL KINGSLEY
Commissioner

R. JAMES SLAUGHTER
Commissioner

Lieutenant Timothy Falvey
Secretary

SAN FRANCISCO POLICE COMMISSION AGENDA

REGULAR MEETING

The Commission will hear public comment on all agenda items before or during discussion of the item.

The ringing of and use of cell phones, pagers and similar sound-producing electronic devices are prohibited at this meeting. Please be advised that the Chair may order the removal from the meeting room of any person(s) responsible for the ringing or use of a cell phone, pager, or other similar sound-producing electronic devices.

KNOW YOUR RIGHTS UNDER THE SUNSHINE ORDINANCE

(Chapter 67 of the San Francisco Administrative Code)

Government's duty is to serve the public, reaching its decisions in full view of the public.

Commissions, boards, councils, and other agencies of the City and County exist to conduct the people's business. This ordinance assures that deliberations are conducted before the people and that City operations are open to the people's review.

FOR MORE INFORMATION ON YOUR RIGHTS UNDER THE SUNSHINE ORDINANCE OR TO REPORT VIOLATION OF THE ORDINANCE, CONTACT THE SUNSHINE ORDINANCE TASK FORCE: ADMINISTRATOR, CITY HALL, ROOM 244, #1 DR. CARLTON B. GOODLETT PLACE, SAN FRANCISCO, CA 94102-4689; OFFICE (415) 554-5163. COPIES OF THE SUNSHINE ORDINANCE CAN BE OBTAINED FROM THE CLERK OF THE SUNSHINE TASK FORCE, THE SAN FRANCISCO PUBLIC LIBRARY, AND ON THE CITY'S WEBSITE AT www.ci.sf.ca.us/bdsupvrs/sunshine

Lobbyist Registration and Reporting Requirements
Individuals and entities that influence or attempt to influence local legislative or administrative action may be required by the San Francisco Lobbyist Ordinance [SF Campaign & Government Code §2.100] to register and report lobbying activity. For more information about the Lobbyist Ordinance, please contact the San Francisco Ethics Commission at 30 Ness Avenue, Suite 3900, San Francisco, CA 94102; telephone (415) 581-2300; fax (415) 581-2317; webs site www.sfgov.org/ethics.

SAN FRANCISCO POLICE COMMISSION
PUBLIC MEETING/HEARING ACCESSIBILITY INFORMATION

Communication accessibility services; including sign language interpreters or computer aided real time captioning will be made available upon advance request. Please call the Police Commission Office at 553-1667 (v) or 553-9194 (tty), at least 72 hours prior to a proceeding. Late requests will be honored if possible.

A **sound enhancement system** will be available on request at the proceeding.

Meeting agendas and other print materials will be made available in alternate formats (computer disk, via email, fax, large print) upon advance request at least 72 hours prior to a proceeding. Please call the Police Commission Office at 553-1667 (v) or 553-9194 (tty). Late requests will be honored if possible.

Individuals with severe allergies, environmental illness, multiple chemical sensitivity or related disabilities should call 553-1667 to discuss meeting accessibility. In order to assist the City's efforts to accommodate such people, attendees at public meetings are reminded that other attendees may be sensitive to various chemical based products.

The proceeding will be held at City Hall, Room 400, #1 Dr. Carlton B. Goodlett Place, San Francisco. The closest accessible BART station is the Civic Center Station. For information about MUNI service, please call 311.

Accessible parking are available on Carlton Goodlett Place, Grove Street, and Van Ness Avenue.

Accessible seating for persons with disabilities and wheelchairs will be available.

For information about the meeting, please call 553-1667(v) or 553-9194 (tty).

MAY 18, 2011

JOINT MEETING WITH THE
HUMAN RIGHTS COMMISSION

The Police Commission, along with the Human Rights Commission (HRC), met in Room 250, City Hall, #1 Dr. Carlton B. Goodlett Place, San Francisco, at 5:35 p.m.

PRESENT: Commissioners Mazzucco, Marshall, DeJesus, Chan, Kingsley, Slaughter, Human Rights Commissioners Sweet, Mohajer, Chung, Chan, Pier, Ruiz, Keleher, Mavis, Turman, and Lee

Commissioner Mazzucco introduced Chief Suhr who introduced his Command Staff. Present were Commanders Tong, Militello, Ali, Biel, Corriea, Tomioka, Deputy Chiefs Schmitt, Dudley, Cashman, and Shinn.

PUBLIC COMMENT

Ray Hartz, SF Open Government, discussed concerns regarding public comment.
Emile Lawrence discussed ethnic crimes and profiling by the SFPD.
Mr. Harris discussed the homicide of his brother and comments made by the media relations of the SFPD and went on to ask if the video of his brother's homicide be use to help identify the suspect involved.
Eric Caine discussed concerns regarding complaint filed with the OCC and would like a letter from the OCC.
Clyde addressed the commission regarding the actions by the public defender.

SAN FRANCISCO POLICE DEPARTMENT'S RESPONSE TO CONCERNS RAISED BY THE HUMAN RIGHTS COMMISSION'S SEPTEMBER 23, 2010 HEARING REPORT, *"COMMUNITY OF SURVEILLANCE, RACIAL AND RELIGIOUS PROFLING OF ARAB, MIDDLE EASTER, MUSLIM, AND SOUTH ASIAN COMMUNITIES AND POTENTIAL REACTIVATION OF SFPD INTELLIGENCE GATHERING,"* ADOPTED FEBRUARY 24, 2011

Commissioner Mazzucco gave a brief introduction and overview of tonight's meeting.

Chief Greg Suhr briefed the Commission as to the SFPD's practices and policies. Chief Suhr stated that he worked with Captain Mahoney and his command staff as to drafting a bureau order. Chief Suhr went on to read excerpts from the Department's bureau order.

Bureau Order No. 2011-07, dated 5/18/11, Subject: Joint Terrorism Task Force, Issued to: All Members, Operations Bureau, states as follows:

"The San Francisco Police Department (Department) is responsible for protecting the lives, property, and rights of all people, through collaborative partnerships with the community and other agencies. The Chief of Police (Chief) must constantly reprioritize and rebalance the allocation of resources to respond to critical crime prevention and law enforcement needs in the City. With the many demands placed on its finite resources, the Department recognizes the need for federal, state, and local agencies to coordinate and collaborate with both information and resources.

It is the responsibility of the Federal Bureau of Investigations (FBI) to prevent, investigate, and respond to terrorism in the United States. The FBI has established local Joint Terrorism Task Forces (JTTF) to share resources and coordinate among other federal, state, tribal, and local governments. It is the policy of the Department to help prevent and investigate acts of terrorism, protect civil rights and civil liberties under United States and California law, and promote San Francisco as an open and inclusive community by participating in the FBI Joint Terrorism Task Force.

The Chief may assign SFPD officers to work on JTTF investigations that comply with the requirements stated above regardless of whether or not the investigation is based in the City & County of San Francisco. SFPD officers shall work with the JTTF only on investigations of suspected terrorism that have a criminal nexus. In situations where the statutory law of California is more restrictive of law enforcement than comparable

GOVERNMENT
DOCUMENTS DEPT

JUN - 3 2011

SAN FRANCISCO
PUBLIC LIBRARY

federal law, the investigative methods employed by SFPD officers working on JTTF investigations shall conform to the requirements of such California statutes. While cross-designated and deputized as federal officers for purposes of their JTTF assignments, when not operating in a covert or undercover capacity SFPD officers shall always identify themselves to members of the public as SFPD officers.

To ensure access to information necessary to manage and supervise SFPD officers, the Chief (and their designee) will seek clearance at the Top Secret/Secure Compartmentalized Information level and will participate in JTTF Executive Committee meetings. The Department understands that the FBI SAC or designee needs the ability to direct the operational and day-to-day work of SFPD officers who work with the JTTF. However, the Chief (and/or their designee) will review quarterly all investigations to which SFPD officers are or have been assigned. That said, SFPD officers who work with the JTTF remain in the chain of command and under the supervision of SFPD and must comply with Department policies at all times. Within 30 days after any change in personnel in the positions of the DGO 8.10 assigned Police Commissioner, Chief of Police, FBI SAC for the San Francisco Field Office, or United States Attorney for the Northern District of California, the Chief of his designee shall ensure that the provisions of this Order are presented to all new personnel."

Commissioner Mazzucco thanked the Chief for issuing the Bureau Order and explained that Airport TSAs does not come under the jurisdiction of the SFPD.

Commissioner Michael Sweet, HRC Chair, thanked the Police Commission for sharing its meeting with the HRC and went on to thank people involve in putting together this meeting and went on to talk about events that lead to this joint meeting.

Director Theresa Sparks, HRC, addressed the Commissions and thanked the Police Commission for having this joint meeting. Director Sparks went on to thank that stakeholders who participated in the process that led to this joint meeting. She went on to talk about the hearing held on September 23, 2010 and the report adopted on February 24, 2011 and its recommendations.

Veena Dubal, Asian Law Caucus, addressed the Commissions and presented their report.

John Crew, ACLU, addressed the Commission and outlined some solutions after giving a brief history of SFPD intelligence gathering practices and reforms. He recommends that there be a transition from the original MOU and talked about the "Portland Solution." He asked that the Department give the FBI 60 days notification that the Department is transitioning from the MOU.

(The Commission took a brief break from 6:50 p.m. to 7:00 p.m.)

Commissioner Mazzucco explained that he did meet with the FBI

HRC Commissioner Mavis stated that it is still difficult for him to understand and talked about concerns about whether the 2007 MOU is in conflict with city values and it is difficult to understand if the bureau order addresses these conflicts. He stated that a great deal of study is still needed.

HRC Commissioner Chan asked the Chief some questions in regards to the bureau order and asked how many members of the department are assigned to the JTTF. Chief Suhr stated that there are two members assigned to the JTTF. Commissioner Chan asked if the bureau order can be amended to add language from DGO 8.10. Chief Suhr stated that the intent of the bureau order was to close the gaps with DGO 8.10.

Commissioner DeJesus asked Mr. John Crew asked about Homeland Security. Mr. Crew stated that Chief Suhr has addressed the matter. Commissioner DeJesus commended the HRC, the ACLU, Asian Law Caucus, and Chief Suhr for acting quickly and stated that to move forward the DGO needs to be solidified and put in writing.

Commissioner Slaughter asked about the chain of command and compliance to DGO 8.10. Mr. Crew replied that the problem is in the MOU and that the FBI will enforce what is in the MOU and stated that the he doesn't think that the Chief has authority over the special agent in charge of the FBI.

Commissioner Kingsley asked what is the difference between an MOU-based relationship as to resolution-based relationship. Mr. Crew explained that the MOU provides for deputization for officers when working with the FBI which gives them the authority to exercise federal powers, but in a resolution-based they will not be deputized and exercise local power and again recommended that the Department notify the FBI that the Department will be transitioning within 60 days of doing a resolution.

HRC Commissioner Chung asked Director Sparks about the continued relationship with the FBI. Director Sparks explained that the HRC have been trying to gather independent information from all the stakeholders to get some type of resolution that is acceptable to everyone. Commissioner Chung would like to address concerns about fear of being profiled. Director Sparks stated that as the HRC is talking with all the stakeholders to get input and to come back with a recommendation to move forward.

HRC Commissioner Kelleher asked Chief Suhr if there is an obstacle as to developing a resolution. Commissioner Kelleher asked if the resolution will reflect the 2002 MOU. Mr. Crew stated that officers should exercise local power rather than federal power. Director Sparks stated that the resolution in Portland was a City Council resolution.

PUBLIC COMMENT

Emile Lawrence stated that San Francisco is not Portland and concerns about the FBI not being invited to the meeting and stated that he would like the crime rate of SF be lowered.

Ray Hartz, SF Open Government, addressed the Commission regarding relationship between the SFPD and the various communities.

Unidentified, National Organization, discussed concerns regarding the JTTF MOU and unwarranted scrutiny by the FBI of Arabs and Muslims.

Nadia, Student Vice President National Lawyers Guild, stated that what needs to be clear is that the bureau order does not supersede the MOU and it is not clear how much information can be accessed.

Freid Seik discussed experience with the FBI to do civil rights work and stated that as a trainer the key factor is trust.

Hana Sen works in San Francisco and came from the Washington area where she was a trainer in deputizing federal law enforcement officers and expressed support for the solution recommended by the ACLU and the Asian Law Caucus.

Michael Flynn, President National Lawyers Guild, stated it is important to have protection and liberty and needs strong oversight by the Police Commission and asked that the Portland Solution be adopted.

Nia Bornia stated that she worked with two cases regarding FBI cases and stated that the SFPD wants to be involved in illegal use of informants and technology.

Abdul Saman, originally from Yemen, stated he was approached by the FBI after writing a letter to former Chief of Police Gascón and discussed concerns of being harassed for their race and ethnicity and urged the Commission to act to end this tragedy.

Sadi Hasim asked that the Department support the Portland solution and discussed concerns about fear of members going to the mosque for fear of being watched and concerns of the FBI not being present at tonight's meeting.

Niki, attorney, read a quote from a Persian king and concerns about the communities feeling targeted in their own country.

Hussein Adasi discussed concerns regarding experience with the FBI and talked about a friend's experience with an airport TSA and concerns about living in fear for his family.

Vera Hale was very pleased to see the HRC report and discussed concerns of problems in the airport.

Leila Metta stated that the actions of the FBI have eroded the communities' trust and instead they feel profiled and encouraged the resolution option to protect individual's civil rights.

Unidentified congratulated Chief Suhr and stated that he is here because he is interested and went on to talk about profiling.

Sarah Beilu explained that the FBI was invited to tonight's meeting but declined and talked about that in her light to work she represents clients that have been visited by the FBI and concerns of agents not providing their names and asked that the Commission move into a resolution concept.

Mina Lavin, advocate for human rights, talked about community organizations being harassed by the FBI.

Hala Deen, (through translator), cab driver, talked about being harassed by the FBI and a 2009 incident with the SFPD searching his car and asked the Commission to help stop these abuses.

Commissioner Mazzucco thanked everybody for their hard work and thanked the community for their comments and stated that the Commission will not tolerate any kind of discrimination. He went on to thank Mr. Crew and Ms. Dubal for their presentations. He also thanked the Human Rights Commission.

Commissioner DeJesus thanked everyone for their participation and would like to follow up with the resolution aspect to achieve that level.

HRC Commissioner Sweet thanked the Police Commission for sharing the meeting and thanked Director Sparks and Zoe for their work and went on to thank everyone for coming tonight.

Commissioner Chan thanked everyone for attending and the HRC for their very detailed questions and Director Sparks and Commissioner Mazzucco for their hard work.

Motion by Commissioner Slaughter, second by Commissioner DeJesus. Approved 6-0.

Thereafter, the meeting was adjourned 8:30 p.m.

_____

Lieutenant Timothy Falvey
Secretary
San Francisco Police Commission

107/rct

The Police Commission

CITY AND COUNTY OF SAN FRANCISCO

THOMAS MAZZUCCO
President

DR. JOE MARSHALL
Vice President

PETRA DEJESUS
Commissioner

ANGELA CHAN
Commissioner

JAMES HAMMER
Commissioner

CAROL KINGSLEY
Commissioner

R. JAMES SLAUGHTER
Commissioner

Lieutenant Timothy Falvey
Secretary

SAN FRANCISCO POLICE COMMISSION AGENDA
REGULAR MEETING
WEDNESDAY, MAY 25, 2011
5:30 p.m.

CITY HALL, ROOM 400
#1 Dr. Carlton B. Goodlett Place
San Francisco, California

Pledge of Allegiance; Roll Call

GOVERNMENT
DOCUMENTS DEPT
MAY 2 0 2011
SAN FRANCISCO
PUBLIC LIBRARY

1. **Approval of Minutes** (ACTION)
   - For the following meetings:
     January 19th, & 26, 2011
     February 2nd, 9th, 16th, & 23, 2011
     March 2nd, 16th, 23rd, & 30, 2011
     April 6, 2011

2. **Consent Calendar** (Receive & File: ACTION)
   - Request to accept gift of $150.00 from Ms. Leslie Martin of Wells Fargo Bank to be placed into the Mounted Unit Floral Fund in memory of Charles T. Ellis, #1748
   - Fourth Quarter 2010 Document Protocol Report

3. **General Public Comment**
   (The public is now welcome to address the Commission regarding items that do not appear on tonight's agenda but that are within the subject matter jurisdiction of the Commission. Speakers shall address their remarks to the Commission as a whole and not to individual Commissioners or Department or OCC personnel. Under Police Commission Rules of Order, during public comment, neither Police or OCC personnel, nor Commissioners are required to respond to questions presented by the public but, may provide a brief response. Individual Commissioners and Police and OCC personnel should refrain, however, from entering into any debates or discussion with speakers during public comment. Please limit your comments to three (3) minutes.)

4. **Reports and Announcements**
   a. Chief's report (DISCUSSION)
      - Report on crime statistics
      - Review of recent activities
   b. OCC Director's report (DISCUSSION)
      - Review of recent activities
   c. Commission reports (DISCUSSION)
      - Commission President's report
      - Commissioners' reports
   d. Commission announcements and scheduling of items identified for consideration at future Commission meetings (ACTION)

The Police Commission

CITY AND COUNTY OF SAN FRANCISCO

THOMAS MAZZUCCO
President

DR. JOE MARSHALL
Vice President

PETRA DEJESUS
Commissioner

ANGELA CHAN
Commissioner

JAMES HAMMER
Commissioner

CAROL KINGSLEY
Commissioner

R. JAMES SLAUGHTER
Commissioner

Lieutenant Timothy Falvey
Secretary

SAN FRANCISCO POLICE COMMISSION AGENDA
REGULAR MEETING
WEDNESDAY, MAY 25, 2011
5:30 p.m.

CITY HALL, ROOM 400
#1 Dr. Carlton B. Goodlett Place
San Francisco, California

5. Discussion and possible action to sustain or not sustain disciplinary charges filed against Patrol Special Officer Robert Burns (File Nos. ALW C09-220, ALW C10-094, & ALW C10-233), and to decide penalty, if necessary (ACTION)

6. Public comment on all matters pertaining to Item 8 below, Closed Session – Disciplinary Cases, including public comment on vote whether to hold Item 8 in closed session.

7. Vote on whether to hold Item 8 in closed session (ACTION)

8. **Closed Session – Disciplinary Cases**
Roll Call;

   a. Pursuant to Government Code Section 54957 and San Francisco Administrative Code Section 67.10(b) and Penal Code Section 832.7:
   PERSONNEL EXCEPTION: Reassignment of disciplinary charges filed in Case No. JWA C11-001 to a Commissioner for taking of evidence on a date to be determined by the Commissioner (ACTION)

   b. Pursuant to Government Code Section 54957 and San Francisco Administrative Code Section 67.10(b) and Penal Code Section 832.7:
   PERSONNEL EXCEPTION: Assignment of an Appeal of the Chief's Suspension filed in Case No. DRA R10-109/OCC 175-09 to a Commissioner for taking of evidence on a date to be determined by the Commissioner (ACTION)

   c. Pursuant to Government Code Section 54957 and San Francisco Administrative Code Section 67.10(b) and Penal Code Section 832.7:
   PERSONNEL EXCEPTION: Assignment of disciplinary charges filed in Case No. ALW C11-093 to a Commissioner for taking of evidence on a date to be determined by the Commissioner (ACTION)

   d. Pursuant to Government Code Section 54957 and San Francisco Administrative Code Section 67.10(b) and Penal Code Section 832.7:
   PERSONNEL EXCEPTION: Amendment and/or clarification of Resolution No. 11-36 regarding remaining specifications in Case No. JWA C10-186 (ACTION)

The Police Commission

CITY AND COUNTY OF SAN FRANCISCO

THOMAS MAZZUCCO
President

DR. JOE MARSHALL
Vice President

PETRA DEJESUS
Commissioner

ANGELA CHAN
Commissioner

JAMES HAMMER
Commissioner

CAROL KINGSLEY
Commissioner

R. JAMES SLAUGHTER
Commissioner

Lieutenant Timothy Falvey
Secretary

SAN FRANCISCO POLICE COMMISSION AGENDA
REGULAR MEETING
WEDNESDAY, MAY 25, 2011
5:30 p.m.

CITY HALL, ROOM 400
#1 Dr. Carlton B. Goodlett Place
San Francisco, California

8. e. Pursuant to Government Code Section 54957 and San Francisco Administrative Code Section 67.10(b) and Penal Code Section 832.7:
PERSONNEL EXCEPTION: Discussion and possible action to accept or reject Stipulated Disposition of disciplinary charges filed in Case no. JWA C11-035 (ACTION)

f. Pursuant to Government Code Section 54957(b)(1) and San Francisco Administrative Code Section 67.10(b) and Penal Code Section 832.7:
PERSONNEL EXCEPTION: Status and calendaring of pending disciplinary cases (DISCUSSION AND POSSIBLE ACTION)

(OPEN SESSION) Roll Call.

9. Vote to elect whether to disclose any or all discussion on Item8 held in closed session (San Francisco Administrative Code Section 67.12(a)) (ACTION)

10. **Adjournment** (ACTION ITEM)

** SUPPORTING DOCUMENTATION FOR POLICE COMMISSION AGENDA ITEMS THAT ARE NOT CONFIDENTIAL AND DOCUMENTATION THAT HAVE BEEN DISTRIBUTED TO THE COMMISSION AFTER DISTRIBUTION OF THE AGENDA PACKETS ARE AVAILABLE FOR REVIEW AT THE POLICE COMMISSION OFFICE, THOMAS J. CAHILL HALL OF JUSTICE, 850 BRYANT STREET, ROOM 505, SAN FRANCISCO, CA 94103, DURING NORMAL BUSINESS HOURS

GOVERNMENT
DOCUMENTS DEPT

MAY 20 2011

SAN FRANCISCO
PUBLIC LIBRARY

The Police Commission

CITY AND COUNTY OF SAN FRANCISCO

THOMAS MAZZUCCO
President

DR. JOE MARSHALL
Vice President

PETRA DEJESUS
Commissioner

ANGELA CHAN
Commissioner

JAMES HAMMER
Commissioner

CAROL KINGSLEY
Commissioner

R. JAMES SLAUGHTER
Commissioner

Lieutenant Timothy Falvey
Secretary

SAN FRANCISCO POLICE COMMISSION AGENDA

REGULAR MEETING

The Commission will hear public comment on all agenda items before or during discussion of the item.

The ringing of and use of cell phones, pagers and similar sound-producing electronic devices are prohibited at this meeting. Please be advised that the Chair may order the removal from the meeting room of any person(s) responsible for the ringing or use of a cell phone, pager, or other similar sound-producing electronic devices.

KNOW YOUR RIGHTS UNDER THE SUNSHINE ORDINANCE

(Chapter 67 of the San Francisco Administrative Code)

Government's duty is to serve the public, reaching its decisions in full view of the public.

Commissions, boards, councils, and other agencies of the City and County exist to conduct the people's business. This ordinance assures that deliberations are conducted before the people and that City operations are open to the people's review.

FOR MORE INFORMATION ON YOUR RIGHTS UNDER THE SUNSHINE ORDINANCE OR TO REPORT VIOLATION OF THE ORDINANCE, CONTACT THE SUNSHINE ORDINANCE TASK FORCE: ADMINISTRATOR, CITY HALL, ROOM 244, #1 DR. CARLTON B. GOODLETT PLACE, SAN FRANCISCO, CA 94102-4689; OFFICE (415) 554-5163. COPIES OF THE SUNSHINE ORDINANCE CAN BE OBTAINED FROM THE CLERK OF THE SUNSHINE TASK FORCE, THE SAN FRANCISCO PUBLIC LIBRARY, AND ON THE CITY'S WEBSITE AT www.ci.sf.ca.us/bdsupvrs/sunshine

Lobbyist Registration and Reporting Requirements
Individuals and entities that influence or attempt to influence local legislative or administrative action may be required by the San Francisco Lobbyist Ordinance [SF Campaign & Government Code §2.100] to register and report lobbying activity. For more information about the Lobbyist Ordinance, please contact the San Francisco Ethics Commission at 30 Ness Avenue, Suite 3900, San Francisco, CA 94102; telephone (415) 581-2300; fax (415) 581-2317; webs site www.sfgov.org/ethics.

SAN FRANCISCO POLICE COMMISSION
PUBLIC MEETING/HEARING ACCESSIBILITY INFORMATION

Communication accessibility services; including sign language interpreters or computer aided real time captioning will be made available upon advance request. Please call the Police Commission Office at 553-1667 (v) or 553-9194 (tty), at least 72 hours prior to a proceeding. Late requests will be honored if possible.

A **sound enhancement system** will be available on request at the proceeding.

Meeting agendas and other print materials will be made available in alternate formats (computer disk, via email, fax, large print) upon advance request at least 72 hours prior to a proceeding. Please call the Police Commission Office at 553-1667 (v) or 553-9194 (tty). Late requests will be honored if possible.

Individuals with severe allergies, environmental illness, multiple chemical sensitivity or related disabilities should call 553-1667 to discuss meeting accessibility. In order to assist the City's efforts to accommodate such people, attendees at public meetings are reminded that other attendees may be sensitive to various chemical based products.

The proceeding will be held at City Hall, Room 400, #1 Dr. Carlton B. Goodlett Place, San Francisco. The closest accessible BART station is the Civic Center Station. For information about MUNI service, please call 311.

Accessible parking are available on Carlton Goodlett Place, Grove Street, and Van Ness Avenue.

Accessible seating for persons with disabilities and wheelchairs will be available.

For information about the meeting, please call 553-1667(v) or 553-9194 (tty).

MAY 25, 2011 REGULAR MEETING

The Police Commission of the City and County of San Francisco met in Room 400, City Hall, #1 Dr. Carlton B. Goodlett Place, San Francisco, at 5:55 p.m.

PRESENT: Commissioners Mazzucco, Marshall, DeJesus, Kingsley
ABSENT: Commissioners Chan, Slaughter

APPROVAL OF MINUTES

- **For the following meetings:**
  January 19th & 26, 2011
  February 2nd, 9th, 16th, & 23, 2011
  March 2nd, 16th, 23rd, 30, 2011
  April 6, 2011

Motion by Commissioner Kingsley, second by Commissioner Marshall. Approved 4-0.

PUBLIC COMMENT
Emile Lawrence asked about the minutes of March 30th.

CONSENT CALENDAR (Received & Filed)
- **Request to accept gift of $150.00 from Ms. Leslie Martin of Wells Fargo Bank to be placed into the Mounted Unit Floral Fund in memory of Charles T. Ellis, #1748**

Motion by Commissioner Kingsley, second by Commissioner DeJesus. Approved 4-0.

- **Fourth Quarter 2010 Document Protocol Report**

Motion by Commissioner Kingsley, second by Commissioner Marshall. Approved 4-0.

APPROVAL TO ACCEPT GIFT OF $150.00 FROM MS. LESLIE MARTIN OF WELLS FARGO BANK TO BE PLACED INTO THE MOUNTED UNIT FLORAL FUND IN MEMORY OF CHARLES T. ELLIS, #1748

RESOLVED, that the Police Commission hereby approves request of the Chief of Police to accept a gift of $150.00 from Ms. Leslie Martin, of Wells Fargo Bank, to be placed into the Mounted Unit Floral Fund in memory of Charles T. Ellis, #1748.

AYES: Commissioners Mazzucco, Marshall, DeJesus, Kingsley
ABSENT: Commissioners Chan, Slaughter

PUBLIC COMMENT
Emile Lawrence discussed concerns regarding request for audit of donation made to the Mounted Unit and not receiving the audit requested.

PUBLIC COMMENT

Ace Washington discussed concerns regarding being arrested with all charges dropped and being kept in jail overnight and concerns about a stay away order.

Steve Jackson discussed concerns regarding an incident with a woman spitting at his face and stated the charges were dropped. Commissioner Mazzucco explained that the decision to drop the case is made by the DA's office.

Mr. King discussed concerns regarding complaint made to the OCC and needing clarification. Commissioner Mazzucco explained that the case is a federal case and advised Mr. King to call the FBI office. Ms. Fraenkel stated that the OCC is aware of issues raised and that the OCC cannot do anything at this time.

Tom Silhorst discussed concerns regarding the patrol specials.

Clyde commended Chief Suhr for being candid and open.

GOVERNMENT
DOCUMENTS DEPT
JUN 15 2011
SAN FRANCISCO
PUBLIC LIBRARY

Emile Lawrence talked about providing taxi drivers the 10 most wanted list to help the city reduce crime rate and help identify local known criminals.

REPORTS AND ANNOUNCEMENTS

a. Chief's Report
- Report on crime statistics
- Review of recent activities

Deputy Chief Cashman, for Chief Suhr, gave a brief report on crime statistics.

b. OCC Director's Report
- Review of recent activities

Ms. Ines Fraenkel, for Director Hicks, had no report.

c. Commission Reports
- Commission President's Report
- Commissioners' Reports

Commissioner Mazzucco thanked the Commission for having the joint meeting with the Human Rights Commission and thanked Chief Suhr for his attendance.

Commissioner DeJesus talked about attending the Picture Hanging of Chief Suhr at John's Grill.

d. Commission Announcements, scheduling of items identified for consideration at future Commission meetings

Commissioner Kingsley asked that three items be agendized: 1. Would like a follow up to the joint meeting with the HRC to talk about what the department might do as far as raising the comfort level between the department and members of that community; 2. Commissioner Kingsley would also like to discuss community policing; 3. City Attorney's presentation regarding closed session discussion on pending litigation.

Commissioner Mazzucco explained that Chief Suhr has had some follow up meeting in regards to the JTTF and that he will ask Chief Suhr to report back to the commission next week; about community policing, to ask Chief Suhr to report back in two weeks; and about the closed session discussion, to wait until the return of Deputy City Attorney Porter.

PUBLIC COMMENT

Tom Silhorst asked that the patrol special program be dissolved and asked that it be discussed in future agendas.

Steve Johnson discussed the audit of the OCC and stated that the POA is getting more complaints regarding the handling of complaints and asked that the Commission look at what the OCC is doing and stated that an audit of the OCC is overdue.

DISCUSSION AND POSSIBLE ACTION TO SUSTAIN OR NOT SUSTAIN DISCIPLINARY CHARGES FILED AGAINST PATROL SPECIAL OFFICER ROBERT BURNS (FILE NOS. ALW C09-220, ALW C10-094 & ALW C10-233), AND TO DECIDE PENALTY, IF NECESSARY

Put over to June 1st.

PUBLIC COMMENT ON ALL MATTERS PERTAINING TO CLOSED SESSION

None

VOTE ON WHETHER TO HOLD CLOSED SESSION

Motion by Commissioner Marshall, second by Commissioner Kingsley. Approved 4-0.

CLOSED SESSION (6:40 p.m. to 7:30 p.m.)

a. **PERSONNEL EXCEPTION: Reassignment of disciplinary charges filed in Case No. JWA C11-001 to a Commissioner for taking of evidence on a date to be determined by the Commissioner** (Resolution No. 11-50, Assigned to Commissioner DeJesus)

(PRESENT: Commissioners Mazzucco, Marshall, DeJesus, Kingsley, Lieutenant Falvey, Risa Tom, Deputy Chief Cashman, Attorney Worsham, Attorney Hechler, Attorney Fraenkel, Mr. Steve Johnson)

b. **PERSONNEL EXCEPTION: Assignment of an Appeal of the Chief's Suspension filed in Case No. DRA R10-109/OCC 175-09 to a Commissioner for taking of evidence on a date to be determined by the Commissioner** (Resolution No. 11-51, Assigned to Commissioner Chan)

(PRESENT: Commissioners Mazzucco, Marshall, DeJesus, Kingsley, Lieutenant Falvey, Risa Tom, Deputy Chief Cashman, Attorney Worsham, Attorney Hechler, Attorney Fraenkel, Mr. Steve Johnson)

c. **PERSONNEL EXCEPTION: Reassignment of disciplinary charges filed in Case No. ALW C11-093 to a Commissioner for taking of evidence on a date to be determined by the Commissioner** (Resolution No. 11-52, Assigned to Commissioner Mazzucco)

(PRESENT: Commissioners Mazzucco, Marshall, DeJesus, Kingsley, Lieutenant Falvey, Risa Tom, Deputy Chief Cashman, Attorney Worsham, Attorney Hechler, Attorney Fraenkel, Mr. Steve Johnson)

d. **PERSONNEL EXCEPTION: Amendment and/or clarification of Resolution NO. 11-36 regarding remaining specifications in Case No. JWA C10-186**

(PRESENT: Commissioners Mazzucco, Marshall, DeJesus, Kingsley, Lieutenant Falvey, Risa Tom, Deputy Chief Cashman, Attorney Worsham, Attorney Hechler, Mr. Steve Johnson, Attorney Hinckley)

(Taken in shorthand form by Ms. Eastellar Bruhl, CSR)

e. **PERSONNEL EXCEPTION: Discussion and possible action to accept or reject stipulated disposition of disciplinary charges filed in Case No. JWA C11-035** (Resolution No. 11-53)

(PRESENT: Commissioners Mazzucco, Marshall, DeJesus, Kingsley, Lieutenant Falvey, Risa Tom, Deputy Chief Cashman, Attorney Worsham, Mr. Steve Johnson, Attorney Furst, member involved)

Motion by Commissioner DeJesus, second by Commissioner Kingsley. Approved 4-0.

(Taken in shorthand form by Ms. Eastellar Bruhl, CSR)

f. **PERSONNEL EXCEPTION: Status and calendaring of pending disciplinary cases**

(PRESENT: Commissioners Mazzucco, Marshall, DeJesus, Kingsley, Lieutenant Falvey, Risa Tom, Deputy Chief Cashman)

VOTE TO ELECT WHETHER TO DISCLOSE ANY OR ALL DISCUSSION HELD IN CLOSED SESSION

Motion by Commissioner Kingsley, second by Commissioner for non disclosure. Approved 4-0.

ADJOURNMENT

Motion by Commissioner Kingsley, second by Commissioner ~~Chan~~ DEJESUS. Approved 4-0

Thereafter, the meeting was adjourned at 7:05 p.m..

_____

Lieutenant Timothy Falvey
Secretary
San Francisco Police Commission

1071/rct

The Police Commission

CITY AND COUNTY OF SAN FRANCISCO

THOMAS MAZZUCCO
President

DR. JOE MARSHALL
Vice President

PETRA DEJESUS
Commissioner

ANGELA CHAN
Commissioner

CAROL KINGSLEY
Commissioner

R. JAMES SLAUGHTER
Commissioner

Lieutenant Timothy Falvey
Secretary

SAN FRANCISCO POLICE COMMISSION AGENDA
REGULAR MEETING
WEDNESDAY, JUNE 1, 2011
5:30 p.m.

CITY HALL, ROOM 400
#1 Dr. Carlton B. Goodlett Place
San Francisco, California

GOVERNMENT
DOCUMENTS DEPT

MAY 27 2011

SAN FRANCISCO
PUBLIC LIBRARY

05-27-11P03:36 RCVD

F
245
#1
6/1/11

Pledge of Allegiance; Roll Call

1. **Approval of Minutes** (ACTION)
   - For the following meetings:
     April 20th & 27, 2011
     May 4th & 18, 2011

2. **General Public Comment**
   (The public is now welcome to address the Commission regarding items that do not appear on tonight's agenda but that are within the subject matter jurisdiction of the Commission. Speakers shall address their remarks to the Commission as a whole and not to individual Commissioners or Department or OCC personnel. Under Police Commission Rules of Order, during public comment, neither Police or OCC personnel, nor Commissioners are required to respond to questions presented by the public but, may provide a brief response. Individual Commissioners and Police and OCC personnel should refrain, however, from entering into any debates or discussion with speakers during public comment. Please limit your comments to three (3) minutes.)

3. **Reports and Announcements**
   a. Chief's report (DISCUSSION)
      - Report on crime statistics
      - Review of recent activities
      - Status update of activities since the HRC joint meeting
   b. OCC Director's report (DISCUSSION)
      - Review of recent activities
      - Presentation of OCC's Monthly Comprehensive Statistical Report for the periods January 1, 2011 through April 30, 2011, and January 1, 2010 through April 30, 2010
   c. Commission reports (DISCUSSION)
      - Commission President's report
      - Commissioners' reports
   d. Commission announcements and scheduling of items identified for consideration at future Commission meetings (ACTION)

4. Discussion and possible action to sustain or not sustain disciplinary charges filed against Patrol Special Officer Robert Burns (File Nos. ALW C09-220, ALW C10-094, & ALW C10-233), and to decide penalty, if necessary (ACTION)

5. Public comment on all matters pertaining to Item 7 below, Closed Session – Disciplinary Cases, including public comment on vote whether to hold Item 7 in closed session.

The Police Commission

CITY AND COUNTY OF SAN FRANCISCO

THOMAS MAZZUCCO
President

DR. JOE MARSHALL
Vice President

PETRA DEJESUS
Commissioner

ANGELA CHAN
Commissioner

CAROL KINGSLEY
Commissioner

R. JAMES SLAUGHTER
Commissioner

Lieutenant Timothy Falvey
Secretary

SAN FRANCISCO POLICE COMMISSION AGENDA
REGULAR MEETING
WEDNESDAY, JUNE 1, 2011
5:30 p.m.

CITY HALL, ROOM 400
#1 Dr. Carlton B. Goodlett Place
San Francisco, California

6. Vote on whether to hold Item 7 in closed session (ACTION)

7. **Closed Session – Disciplinary Cases**
Roll Call;

   a. Pursuant to Government Code Section 54957 and San Francisco Administrative Code Section 67.10(b) and Penal Code Section 832.7:
   PERSONNEL EXCEPTION: Discussion and possible action to accept or reject Stipulated Disposition of disciplinary charges filed in Case no. ALW C09-076 (ACTION)

   b. Pursuant to Government Code Section 54957(b)(1) and San Francisco Administrative Code Section 67.10(b) and Penal Code Section 832.7:
   PERSONNEL EXCEPTION: Status and calendaring of pending disciplinary cases (DISCUSSION AND POSSIBLE ACTION)

(OPEN SESSION) Roll Call.

8. Vote to elect whether to disclose any or all discussion on Item7 held in closed session (San Francisco Administrative Code Section 67.12(a)) (ACTION)

9. **Adjournment** (ACTION ITEM)

** SUPPORTING DOCUMENTATION FOR POLICE COMMISSION AGENDA ITEMS THAT ARE NOT CONFIDENTIAL AND DOCUMENTATION THAT HAVE BEEN DISTRIBUTED TO THE COMMISSION AFTER DISTRIBUTION OF THE AGENDA PACKETS ARE AVAILABLE FOR REVIEW AT THE POLICE COMMISSION OFFICE, THOMAS J. CAHILL HALL OF JUSTICE, 850 BRYANT STREET, ROOM 505, SAN FRANCISCO, CA 94103, DURING NORMAL BUSINESS HOURS

The Police Commission

CITY AND COUNTY OF SAN FRANCISCO

THOMAS MAZZUCCO
President

DR. JOE MARSHALL
Vice President

PETRA DEJESUS
Commissioner

ANGELA CHAN
Commissioner

CAROL KINGSLEY
Commissioner

R. JAMES SLAUGHTER
Commissioner

Lieutenant Timothy Falvey
Secretary

SAN FRANCISCO POLICE COMMISSION AGENDA

REGULAR MEETING

The Commission will hear public comment on all agenda items before or during discussion of the item.

The ringing of and use of cell phones, pagers and similar sound-producing electronic devices are prohibited at this meeting. Please be advised that the Chair may order the removal from the meeting room of any person(s) responsible for the ringing or use of a cell phone, pager, or other similar sound-producing electronic devices.

KNOW YOUR RIGHTS UNDER THE SUNSHINE ORDINANCE

(Chapter 67 of the San Francisco Administrative Code)

Government's duty is to serve the public, reaching its decisions in full view of the public.

Commissions, boards, councils, and other agencies of the City and County exist to conduct the people's business. This ordinance assures that deliberations are conducted before the people and that City operations are open to the people's review.

FOR MORE INFORMATION ON YOUR RIGHTS UNDER THE SUNSHINE ORDINANCE OR TO REPORT VIOLATION OF THE ORDINANCE, CONTACT THE SUNSHINE ORDINANCE TASK FORCE: ADMINISTRATOR, CITY HALL, ROOM 244, #1 DR. CARLTON B. GOODLETT PLACE, SAN FRANCISCO, CA 94102-4689; OFFICE (415) 554-5163. COPIES OF THE SUNSHINE ORDINANCE CAN BE OBTAINED FROM THE CLERK OF THE SUNSHINE TASK FORCE, THE SAN FRANCISCO PUBLIC LIBRARY, AND ON THE CITY'S WEBSITE AT www.ci.sf.ca.us/bdsupvrs/sunshine

Lobbyist Registration and Reporting Requirements
Individuals and entities that influence or attempt to influence local legislative or administrative action may be required by the San Francisco Lobbyist Ordinance [SF Campaign & Government Code §2.100] to register and report lobbying activity. For more information about the Lobbyist Ordinance, please contact the San Francisco Ethics Commission at 30 Ness Avenue, Suite 3900, San Francisco, CA 94102; telephone (415) 581-2300; fax (415) 581-2317; webs site www.sfgov.org/ethics.

SAN FRANCISCO POLICE COMMISSION
PUBLIC MEETING/HEARING ACCESSIBILITY INFORMATION

Communication accessibility services; including sign language interpreters or computer aided real time captioning will be made available upon advance request. Please call the Police Commission Office at 553-1667 (v) or 553-9194 (tty), at least 72 hours prior to a proceeding. Late requests will be honored if possible.

A **sound enhancement system** will be available on request at the proceeding.

Meeting agendas and other print materials will be made available in alternate formats (computer disk, via email, fax, large print) upon advance request at least 72 hours prior to a proceeding. Please call the Police Commission Office at 553-1667 (v) or 553-9194 (tty). Late requests will be honored if possible.

Individuals with severe allergies, environmental illness, multiple chemical sensitivity or related disabilities should call 553-1667 to discuss meeting accessibility. In order to assist the City's efforts to accommodate such people, attendees at public meetings are reminded that other attendees may be sensitive to various chemical based products.

The proceeding will be held at City Hall, Room 400, #1 Dr. Carlton B. Goodlett Place, San Francisco. The closest accessible BART station is the Civic Center Station. For information about MUNI service, please call 311.

Accessible parking are available on Carlton Goodlett Place, Grove Street, and Van Ness Avenue.

Accessible seating for persons with disabilities and wheelchairs will be available.

For information about the meeting, please call 553-1667(v) or 553-9194 (tty).

JUNE 1, 2011 REGULAR MEETING

The Police Commission of the City and County of San Francisco met in Room 400, City Hall, #1 Dr. Carlton B. Goodlett Place, San Francisco, at 5:35 p.m.

PRESENT: Commissioners Mazzucco, Marshall, DeJesus, Chan, Kingsley, Slaughter

(Commissioner DeJesus was excused at 6:00 p.m.)

APPROVAL OF MINUTES

- For the following meetings:
  April 20th & 27, 2011
  May 4th & 18, 2011

Commissioner Slaughter stated that the meeting is videotaped and asked if minutes are necessary. He asked that the minutes be discussed for next week's agenda.

Correction by Commissioner Chan on the April 20th minutes.

Motion by Commissioner Chan, second by Commissioner DeJesus. Approved 6-0.

PUBLIC COMMENT

None

PUBLIC COMMENT

Daniel Paez expressed support for Public Defender Jeff Adachi and expressed concerns regarding Gary Delagnes.

Mr. Harrison spoke in regards to the homicide of his brother, Charles, and spoke of using a video to identify the suspect.

Clyde talked about officers being innocent until proven guilty.

Eric Cane discussed clarification on the OCC findings of his complaint.

Barry Taranto, cab driver, discussed Jane Warner and discussed concerns regarding Jeff Adachi and concerns regarding taxi operation by the MTA.

Steve Johnson, POA, asked for recourse regarding public slandering of officers during public comment.

REPORTS AND ANNOUNCEMENTS

a. Chief's Report
- Report on crime statistics
- Review of recent activities
- Status update of activities since the HRC joint meeting

Chief Suhr gave a brief report on crime statistics. Chief Suhr also talked about the video investigations. The Chief also talk about his recent meeting in regards to CIT.

Chief Suhr talked about his meeting in regards to JTTF and DGO 8.10.

Commissioner Slaughter asked about the video matter and asked about providing undercover officers with video cameras and would like the Department to consider it and then bring it before the commission with the decision. Chief Suhr stated that the Department vetted vendors but still needs to meet with the POA and the Uniform Safety Committee and is looking at three policies.

Dr. Marshall stated that he is glad that San Francisco is not on the list for most dangerous cities in the U.S. and credits the Department and the communities in the city.

Commissioner Kingsley would like more information as how San Francisco compares to other cities in regards to safety.

Commissioner Chan thanked the Chief for meeting with the CIT group.

GOVERNMENT DOCUMENTS DEPT
AUG 1 2 2011
SAN FRANCISCO PUBLIC LIBRARY

b. **OCC Director's Report**
- Review of recent activities
- **Presentation of OCC's Monthly Comprehensive Statistical Report for the periods January 1, 2011 through April 30, 2011, and January 1, 2010 through April 30, 2010**

Director Hicks presented the OCC's Monthly Comprehensive Statistical Report for the periods of January 1, 2011 through April 30, 2011.

c. **Commission Reports**
- **Commission President's Report**
- **Commissioners' Reports**

Commissioner Mazzucco stated that he would like a report in regards to number of reserves in the Department and a report on Patrol Special compliance.

d. **Commission Announcements, scheduling of items identified for consideration at future Commission meetings**

Commissioner Marshall would like the Chief to announce the new district station captains at next week's meeting.

PUBLIC COMMENT

Barbara Groth stated that the police department knows what it's doing and it doesn't need input from other cities.

Steve Johnson commended the OCC for its mediation program and suggested meeting with the OCC in regards to what should be included in OCC complaints. Director Hicks stated that she is open with meeting with the POA. Commissioner Kingsley stated that she would be happy to meet with the POA and the OCC.

DISCUSSION AND POSSIBLE ACTION TO SUSTAIN OR NOT SUSTAIN DISCIPLINARY CHARGES FILED AGAINST PATROL SPECIAL OFFICER ROBERT BURNS (FILE NOS. ALW C09-220, ALW C10-094 & ALW C10-233), AND TO DECIDE PENALTY, IF NECESSARY

Ms. Ashley Worsham, Attorney at Law, appeared on behalf of the Department.

Patrol Special Robert Burns represented himself and went on with his closing argument.

Motion by Commissioner Slaughter, second by Commissioner Kingsley, to revoke the license of Patrol Special Burns. Approved 5-0.

(Taken in shorthand form by Mr. Lee Batara, CSR)

HEARING OF PATROL SPECIAL OFFICER ROBERT BURNS (FILE NO. ALW C09-220, ALW C10-094, & ALW C10-233)

The hearing of Patrol Special Officer Robert Burns, Star No. 2595, was called it having been set for this date. Patrol Special Officer Burns was charged, in a properly verified complaint by Chief George Gascón, former Chief of Police of the San Francisco Police Department, with violating the Rules and Procedures, as follows:

File No. JWA C09-220
SPECIFICATION NO. 1
Failure to wear required uniform while on duty (a violation of Rule 6.02(A) of the December 10, 2008, Interim Rules and Procedures for Patrol Special Officers and Their Assistants).

File No. ALW C10-094
SPECIFICATION NO. 1
Failure to Comply with the uniform provisions as required pursuant to the Interim Rules and Procedures for Patrol Specials and Their Assistants, conduct which undermines the good order, efficiency and discipline of the Department (a violation of Rule 4.08 and

Rules 602(A)(2) and 6.02(A)(3) of the Interim Rules and Procedures for Patrol Special Officers and Their Assistants);

SPECIFICATION NO. 2
Failure to comply with the insurance requirements for Patrol Special Officers, conduct which undermines the good order, efficiency and discipline of the Department and which brings discredit on the Department (a violation of Rule 4.03 and Rule 3.03, subsection (I)(3) of the Interim Rules and Procedures for Patrol Special Officers and Their Assistants).

File No. ALW C10-233
SPECIFICATION NO. 1
Failure to comply with orders of a police officer; conduct which undermines the good order, efficiency and discipline of the Department (a violation of Rules 4.03 and 3.05 of the Interim Rules and Procedures for Patrol Special Officers and their Assistants);

SPECIFICATION NO. 2
Failure to comply with mandatory training requirements of the Rules and Procedures for Patrol Special Officers and their Assistants, conduct which undermines the good order, efficiency and discipline of the Department (a violation of Rule 3.05 of the Interim Rules and Procedures for Patrol Special Officers and their Assistants);

SPECIFICATION NO. 3
Failure to comply with Orders of a Police Officer, conduct which undermines the good order, efficiency and discipline of the Department (a violation of Rule 4.03 of the Interim Rules and Procedures of Patrol Special Officers and their Assistants).

Ms. Ashley Worsham, Attorney at Law, appeared on behalf of the San Francisco Police Department.

Patrol Special Officer Robert Burns appeared in person and represented himself.

The Commission took the matter under submission and the following resolution was adopted:

RESOLUTION NO. 11-54

DECISION – HEARING OF PATROL SPECIAL OFFICER ROBER BURNS (FILE NO. ALW C09-220, ALW C10-094, & ALW C10-233)

WHEREAS, on October 21, 2009, March 30, 2010, and October 28, 2010, Chief George Gascón, former Chief of Police of the San Francisco Police Department, made and served charges against Patrol Special Robert Burns, as follows:

File No. JWA C09-220

GENERAL ALLEGATIONS

(1) At all times herein mentioned Robert Burns, Star Number 2595, hereinafter the Accused, was and is a Patrol Special Officer appointed by the Police Commission pursuant to Section 4.127 of Article IV of the City Charter, and assigned to a beat in the Central District.

(2) As a Patrol Special Officer, the Accused was and is responsible for knowing and obeying the rules, orders and procedures of the San Francisco Police Department, including but not limited to the Interim Rules and Procedures for Patrol Special Officers and Their Assistants adopted on December 10, 2008.

SPECIFICATION NO. 1
Failure to wear required uniform while on duty (a violation of Rule 6.02(A) of the December 10, 2008, Interim Rules and Procedures for Patrol Special Officers and Their Assistants).

(3) All of the General Allegations above are incorporated herein by reference.

(4) From August 1 to September 30, 2009, the Accused reported on multiple occasions to Central Station while on duty. When he reported, Police Officers at Central Station would note the condition of his uniform. On many of those dates, he reported out of uniform, including but not limited to August 3, 8, 10, 18, 19, 24, 25, 26, 27, 28, 29, 30, and September 3, 4, 5, 6, 7, 10, 11, 12, 13, 16, 18, 19, 20, 21, 22, 23, 24, 25, 26, 27, 28, and 30.

(5) The Accused's failure to report in uniform was due to, among other things, his failure to wear the blue soutache trouser stripes and shoulder epaulettes required by Interim Rule 6.02(A).

(6) When interviewed by the Management Control Division about the issue of uniform requirements, the Accused stated that he understood that the blue soutache trouser stripes and shoulder epaulettes were required by the Interim Rules. However, he also stated that he intentionally refused to wear the required trouser stripes and shoulder epaulettes, and refused to do so in the future.

(7) Any reasonable patrol special officer must know that such conduct violates the standards of the Department and is cause for discipline or dismissal from employment. Such conduct violates Rule 6.02(A) of the Interim Rules and Procedures for Patrol Special Officers and Their Assistants adopted on December 10, 2008, which states, in relevant part:

"UNIFORM AND EQUIPMENT SPECIFICATIONS.

...

A. All uniform coats, trousers, cap, shirt, tie, shoes, rain cap cover, rain coat, and pants to be of similar material and style as that required and prescribed for regular patrol persons in the San Francisco Police Department with the following exceptions:

...

2. TROUSER STRIPES: BLUE SOUTACHE, one-half inch wide on outside seams.
3. SHIRTS AND JACKETS: BLUE SOUTACHE epaulettes on both shoulders."

PENALTIES

(8) If the Specifications are sustained after trial by the Police Commission, the penalty is up to and including dismissal from Patrol Special status pursuant to Section 4.127 of Article IV of the City Charter.

File No. ALW C10-094

SPECIFICATION NO. 1

Failure to Comply with the uniform provisions as required pursuant to the Interim Rules and Procedures for Patrol Specials and Their Assistants, conduct which undermines the good order, efficiency and discipline of the Department (a violation of Rule 4.08 and Rules 602(A)(2) and 6.02(A)(3) of the Interim Rules and Procedures for Patrol Special Officers and Their Assistants);

(1) At all times herein mentioned Robert Burns, Star Number 2595, (Referred to as "the accused") was and is a Patrol Special Officer.

(2) Patrol Special Officers are defined as "A private patrol person, appointed by the Police Commission, who contracts to perform security duties of a private nature for private persons or businesses within the geographical boundaries set forth by the Police Commission. A Patrol Special is the owner of a beat. A Patrol Special is responsible for knowing and obeying the rules and procedures of the Patrol Special Officers and Assistant Patrol Special Officers. " (See Interim Rules and Procedures for Patrol Special Officers and Their Assistants, Adopted by the San Francisco Police Commission December 10, 2008).

(3) As a Patrol Special Officer, the accused is assigned to report in and out of Central Station. This requirement includes signing the Patrol Special Officer and Assistant Patrol Special Officer's Daily Reporting Log.

(4) On February 3, 2010 at 0001 hours, Sgt. Edward Cheung, Star Number 960, was assigned as the Station Keeper for Central Station. On this date, he observed the accused wearing regular uniform pants that lacked the blue soutache stripe and wearing a foul weather jacket that lacked the blue soutache epaulets as well.

(5) Upon noticing the accused was in non-compliance with uniform policy, Sgt. Cheung escorted the accused to the Lieutenant's office to report the violation.

(6) While in the Lieutenant's Office, the accused maintained that there was a current injunction staying imposition of the Interim Rules and Regulations for Patrol Special Officers and Their Assistants as it relates to the uniform requirements, adopted by the San Francisco Police Commission, December 10, 2008.

(7) The accused further maintained that the uniform standards should be based on the standard established in 1970 when he was first sworn in.

(8) On February 19, 2010, during his administrative interview regarding his non-compliance with the uniform requirements, the accused stated that he would not comply with the uniform requirements until a decision was made by the Public Employee Relations Board (PERB) regarding the validity of the Interim Rules for Patrol Special Officers and their Assistants.

(9) On February 3, 2010, following repeated violations of the uniform policy by the accused, Captain Anna Brown, Star number 976, instructed all swing watch supervisors to document the accused's violations of the uniform policy on a daily basis. Sworn members were instructed to document the violations on the sign-in-log as well as prepare a written memorandum.

(10) The Central Station sigh-in-logs, dated December 25, 2009 through January 31, 2010, revealed that the accused had been non-compliant with the Patrol Special Uniform requirement thirty-seven (37) times.

(11) The accused, by wearing both pants and a jacket without the blue epaulettes visible and attached, engaged in conduct which violates Rule 4.08 and Rules 6.02(A)(2) and 6.02(A)(3) of the Interim Rules and Procedures for Patrol Special Officers and Their Assistants. Any reasonable Patrol Special Officer must know that such conduct is cause for discipline or revocation of his appointment.

Rule 4.08 of the Interim Rules and Procedures for Patrol Special Officers and Their Assistants states:

"UNIFORM AND EQUIPMENT.
Patrol Specials and Assistant Patrol Specials shall at all times while performing services to their subscribers, wear only the uniform and equipment items prescribed by the Commission.

No person other than an approved Patrol Special or Assistant Patrol Special may wear the prescribed uniform. Patrol Specials and Assistants shall not facilitate or allow any employee, volunteer or other person to wear the prescribed uniform who has not been approved by the Police Commission as a Patrol Special or Assistant Patrol Special."

Rule 6.02(A)(2) and 6.02(A)(3) of the Interim Rules and Procedures for Patrol Special Officers and their Assistants states:

"A. All uniform coats, trousers, cap, shirt, tie, shoes, rain cap cover, rain coat and pants to be of similar material and style as that required and prescribed for

regular patrol persons in the San Francisco Police Department with the following exceptions:

2. TROUSER STRIPES.
BLUE SOUTACHE, one-half inch wide on outside seams.

3. SHIRTS AND JACKETS.
BLUE SOUTACHE, epaulettes on both shoulders."

SPECIFICATION NO. 2
Failure to comply with the insurance requirements for Patrol Special Officers, conduct which undermines the good order, efficiency and discipline of the Department and which brings discredit on the Department (a violation of Rule 4.03 and Rule 3.03, subsection (I)(3) of the Interim Rules and Procedures for Patrol Special Officers and Their Assistants).

(12) The allegations incorporated in Specification No. 1, paragraphs (1) through (11) are incorporated by reference as though fully set forth herein:

(13) On January 22, 2010, Sgt. Robert Yick, #1264, received the annual Patrol Special Officer Information form from the accused. However, the accused's form did not include copies of his proof of insurance.

(14) The annual Patrol Special Officer Information form has a section designated for information regarding General Liability Insurance, Auto Insurance and Workers' Compensation Insurance.

(15) In the section regarding General Liability Insurance and Auto Insurance, the accused wrote the letters, "N/A."

(16) On January 22, 2010, Sgt. Yick mailed the accused a written letter ordering him to provide copies of his proof of insurance pursuant to Rule 3.03 of the Interim Rules for Patrol Special Officers and Their Assistants.

(17) As of February 10, 2010, the accused had not provided proof of insurance as required by Rule 3.03 of the Interim Rules for Patrol Special Officers and Their Assistants.

(18) On February 19, 2010, the accused was interviewed regarding his violations of the Interim Rules for Patrol Special Officers and Their Assistants. During that interview, the accused admitted that he did not send a copy of his Certificate of Liability Insurance information to the Department. The accused stated that he sent a copy of his Certificate of Liability Insurance information to the City Attorney's Office.

(19) During his administrative interview, the accused provided a copy of the Certificate of Liability Insurance information that he sent to the City Attorney's Office. That form indicated that the accused only had "General Liability" Insurance.

(20) There was no indication on the form that the accused had Automobile Liability Insurance despite the fact the accused has a Ford Crown Victoria listed as his duty vehicle.

(21) The accused, by failing to respond to a valid order by Sgt. Yick to provide proof of insurance, engaged in conduct which violates Rules 4.03 and 3.03, subsection (I)(3) of the Interim Rules and Procedures for Patrol Special Officers and Their Assistants. Any reasonable Patrol Special Officer must know that such conduct is cause for discipline and or revocation of his appointment.

Rule 4.03 of the Rules and Procedures for Patrol Special Officers and their Assistants states:

"ORDER OF POLICE OFFICERS.

Patrol Specials and Assistant Patrol Specials shall strictly obey and promptly execute the lawful orders of police officers."

Rule 3.03, subsection (I)(3) of the Rules and Procedures for Patrol Special Officers and Their Assistants states:

"3.03 QUALIFICATIONS/REQUIREMENTS FOR PATROL SPECIAL OFFICERS:

I. Present evidence of insurance in the following amount:

3. Commercial Automobile Liability Insurance with limits not less than $1,000,000 each occurrence Combined Single Limit for Bodily Injury and Property Damage, including Owned, Non-Owned and Hired auto coverage, as applicable."

File No. ALW C10-233

GENERAL ALLEGATIONS:

(1) At all times herein mentioned Robert Burns, Star Number 2596, (hereinafter referred to as the "accused") was and is a Patrol Special Officer.

(2) Patrol Special Officers are defined as "A private patrol person, appointed by the Police Commission, who contracts to perform security duties of a private nature for private persons or businesses within the geographical boundaries set forth by the Police Commission.

(3) A Patrol Special Officer is the owner of a "beat." A Patrol Special Officer is responsible for knowing and obeying the rules and procedures of the Patrol Special Officers and Assistant Patrol Special Officers. (See the Interim Rules and Procedures for Patrol Special Officers and Their Assistants, Adopted by the San Francisco Police Commission, December 10, 2008).

SPECIFICATION NO. 1

Failure to comply with orders of a police officer, conduct which undermines the good order, efficiency and discipline of the Department (a violation of Rules 4.03 and 3.05 of the Interim Rules and Procedures for Patrol Special Officers and their Assistants);

(4) The allegations incorporated in paragraphs (1) through (3) are incorporated by reference as though fully set forth herein.

(5) On or about March 25, 2010, Sgt. Robert Yick, Star Number 1264, mailed a certified letter to the accused notifying him of mandatory training. This mandatory annual training class was being held June 1, 2010 through June 3, 2010 and also included a mandatory First Aid/CPR training component. All Patrol Special Officers and Assistant Patrol Special Officers were required to attend the mandatory training.

(6) On March 27, 2010, the accused received the certified letter informing him of the mandatory training and signed the U.S. Postal receipt accepting delivery of the letter.

(7) The accused failed to attend the mandatory training held June 1, 2010 through June 3, 2010.

(8) On Friday, June 11, 2010, Patrol Special Officer Sam Reyes (former President of the Patrol Specials and Assistant Patrol Specials) contacted Sgt. Yick and informed him that several of the Patrol Specials and Assistant Patrol Specials had elected to attend the First Aid/CPR training on July 22, 2010.

(9) Patrol Special Reyes notified all Patrol Specials, including the accused, that the First Aid/CPR training was being held on July 22, 2010.

(10) On Tuesday, July 6, 2010, Sgt. Yick sent a letter to the accused informing him of the training as well. On Monday, July 12, 2010, Sgt. Yick also left a voicemail for the accused regarding the training.

(11) On Tuesday, July 13, 2010, Patrol Special Officer Alan Byard notified Sgt. Yick by email that he would contact the accused regarding the July 22, 2010 training session. On Wednesday, July 21, 2010, Patrol Special Byard sent another email to Sgt. Yick informing him that the accused told him that he would not be attending the mandatory First Aid/CPR training on July 22, 2010.

(12) The accused did not attend the mandatory First Aid/CPR training class being taught on July 22, 2010.

(13) The accused did not attend the mandatory training being conducted June 1, 2010 through June 3, 2010 and the accused did not attend the mandatory training held on July 22, 2010. Based upon the accused's repeated failures to follow the Rules and Procedures for Patrol Special Officers and Their Assistants as well as the direct orders of a police officer, Sgt. Yick sent the accused an interview notice regarding the accused's alleged violation of Rule 3.05 of the Rules and Procedures for Patrol Special Officers and Their Assistants.

(14) The notice, dated August 19, 2010, was served on the accused by Captain Anna Brown, Star Number 975, on August 20, 2010. The notice said the following, "You are hereby notified and ordered to appear at the SFPD Operations Bureau, Hall of Justice, 850 Bryant Street, Room 535, on **Tuesday, September 7, 2010 at 1000 hours**." The notice also stated that "Failure of any member to keep the scheduled interview time may result in disciplinary action."

(15) On August 24, 2010, Sgt. Yick received confirmation from Captain Anna Brown that the accused had been served with his notice to appear.

(16) On September 7, 2010, the accused failed to appear for the scheduled interview. Sgt. Yick attempted to contact the accused several times by telephone. He left the accused a voicemail and never received a return phone call. The only response he received from the accused was by way of written letter informing him that the scheduled interview time was not during the accused's work hours. Sgt. Yick did not hear anything further from the accused.

(17) The accused, by refusing to attend mandatory training June 1, 2010 through June 3, 2010, as required by Rule 3.05 of the Interim Rules and Procedures for Patrol Special Officers and Their Assistants and by refusing to follow a direct order of Sgt. Yick, engaged in conduct which violates the rules and procedures for patrol special officers. Any reasonable patrol special officer must know that such conduct is cause for discipline and/or revocation of his appointment. Such conduct violates Rules 4.03 and 3.05, of the Interim Rules and Procedures for Patrol Special Officers and Their Assistants, which state:

"Rule 4.03. ORDERS OF POLICE OFFICERS
Patrol Specials and Assistant Patrol Specials shall strictly obey and promptly execute the lawful orders of police officers.

Rule 3.05. TRAINING
Patrol Specials and Assistant Patrol Specials shall participate in additional training as required by the Chief of Police. Cost for training provided by the San Francisco Police Department shall be paid for by the Patrol Specials and Assistant Patrol Specials prior to receiving such training at a rate commensurate with rates charged to other private persons. Minimum annual training shall include:

A. Successful completion of the firearms qualifications course twice each year on dates set by the Range Master at the San Francisco Police Range.

B. Annual completion of twenty-four(24) hours of classroom instruction presented at the Police Academy, which may include general orders, bulletins

and procedures that apply to Patrol Special Police Officers and their Assistants and could affect the performance of their duties.

SPECIFICATION NO. 2

Failure to comply with mandatory training requirements of the Rules and Procedures for Patrol Special Officers and their Assistants, conduct which undermines the good order, efficiency and discipline of the Department (a violation of Rule 3.05 of the Interim Rules and Procedures for Patrol Special Officers and their Assistants);

(18) The allegations incorporated in paragraphs (1) through (17) are incorporated by reference as though fully set forth herein.

(19) The accused was notified by Patrol Special Byard regarding mandatory First Aid/CPR training scheduled for July 22, 2010.

(20) The accused was also notified by Sgt. Yick regarding this training as well.

(21) The accused refused to attend the mandatory First Aid/CPR training as required by Rule 3.05 of the Interim Rules and Procedures for Patrol Special Officers and Their Assistants. The accused's repeated refusal to attend the mandatory training sessions is conduct that is cause for discipline and/or revocation of his appointment. Such conduct violates Rule 3.05, of the Interim Rules and Procedures for Patrol Special Officers and Their Assistants, which states:

"Rule 3.05. TRAINING
Patrol Specials and Assistant Patrol Specials shall participate in additional training as required by the Chief of Police. Cost for training provided by the San Francisco Police Department shall be paid for by the Patrol Specials and Assistant Patrol Specials prior to receiving such training at a rate commensurate with rates charged to other private persons. Minimum annual training shall include:

A. Successful completion of the firearms qualifications course twice each year on dates set by the Range Master at the San Francisco Police Range.
B. Annual completion of twenty-four (24) hours of classroom instruction presented at the Police Academy, which may include general orders, bulletins and procedures that apply to Patrol Special Police Officers and their Assistants and could affect the performance of their duties.

SPECIFICATION NO. 3

Failure to comply with Orders of a Police Officer, conduct which undermines the good order, efficiency and discipline of the Department (a violation of Rule 4.03 of the Interim Rules and Procedures of Patrol Special Officers and their Assistants).

(22) The allegations incorporated in paragraphs (1) through (21) are incorporated by reference as though fully set forth herein.

(23) On or about August 20, 2010, the accused was served with a notice to appear for an interview regarding his failure to follow orders and attend mandatory training. That interview was scheduled for September 7, 2010 and the accused failed to appear.

(24) The accused's willful refusal to obey the Rules and Procedures for Patrol Special Officers and their Assistants, as well as the direct orders of a police officer is cause for discipline and revocation of his appointment. Such conduct violates Rule 4.03, of the Interim Rules and Procedures for Patrol Special Officers and Their Assistants, which states:

"Rule 4.03. ORDERS OF POLICE OFFICERS
Patrol Specials and Assistant Patrol Specials shall strictly obey and promptly execute the lawful orders of police officers.

PENALTIES:

(25) If the Specifications are sustained after trial by the Police Commission, the Department will recommend that the Commission revoke the accused's appointment.

WHEREAS, a hearing on said charges were held before the Police Commission pursuant to section 8.343 of the Charter of the City and County of San Francisco on March 1, 2011, and on June 1, 2011 the matter was submitted to the Police Commission for decision; and

WHEREAS, the Commission finds the following:

File No. JWA C09-220

SPECIFICATION NO. 1 - Sustained

AYES: Commissioners Mazzucco, Marshall, Chan, Kingsley, Slaughter
ABSENT: Commissioner DeJesus

File No. ALW C10-094

SPECIFICATION NO. 1 - Sustained

AYES: Commissioners Mazzucco, Marshall, Chan, Kingsley, Slaughter
ABSENT: Commissioner DeJesus

SPECIFICATION NO. 2 - Sustained

AYES: Commissioners Mazzucco, Marshall, DeJesus, Kingsley, Slaughter
NAYS: Commissioner Chan
ABSENT: Commissioner DeJesus

File No. ALW C10-233

SPECIFICATION NO. 1 - Sustained

AYES: Commissioners Mazzucco, Marshall, DeJesus, Kingsley, Slaughter
NAYS: Commissioner Chan
ABSENT: Commissioner DeJesus

SPECIFICATION NO. 2 - Sustained

AYES: Commissioners Mazzucco, Marshall, Chan, Kingsley, Slaughter
ABSENT: Commissioner DeJesus

SPECIFICATION NO. 3 - Sustained

AYES: Commissioners Mazzucco, Marshall, DeJesus, Kingsley, Slaughter
NAYS: Commissioner Chan
ABSENT: Commissioner DeJesus

RESOLVED, that consistent with the Commission's duty to protect the health, safety, and general welfare of the citizens of the City and County of San Francisco and the public in general, and in order to promote efficiency and discipline in the San Francisco Police Department, the Police Commission orders that the appointment of Patrol Special Officer Robert Burns be revoked effective immediately.

(These proceedings were taken in shorthand form by Mr. Lee Batara, CSR, Star Reporting)

PUBLIC COMMENT ON ALL MATTERS PERTAINING TO CLOSED SESSION

Unidentified discussed the CPR program.

VOTE ON WHETHER TO HOLD CLOSED SESSION

Motion by Commissioner Marshall, second by Commissioner Slaughter. Approved 5-0.

CLOSED SESSION (7:00 p.m. - 7:45 p.m.)

a. **PERSONNEL EXCEPTION: Discussion and possible action to accept or reject Stipulated Disposition of disciplinary charges filed in Case No. ALW C09-076** (Resolution No. 11-55)

(PRESENT: Commissioners Mazzucco, Marshall, Chan, Kingsley, Slaughter, Lieutenant Dangerfield, Risa Tom, Chief Suhr, Commander Tomioka, Deputy City Attorney Gibson, Attorney Worsham, Attorney Gaines, member involved)

(Taken in shorthand form by Mr. Lee Batara, CSR)

b. **PERSONNEL EXCEPTION: Status and calendaring of pending disciplinary cases**
(PRESENT: Commissioners Mazzucco, Marshall, Chan, Kingsley, Slaughter, Lieutenant Dangerfield, Risa Tom, Chief Suhr, Commander Tomioka, City Attorney Gibson)

VOTE TO ELECT WHETHER TO DISCLOSE ANY OR ALL DISCUSSION HELD IN CLOSED SESSION

Motion by Commissioner Kingsley, second by Commissioner Slaughter for non disclosure. Approved 5-0.

ADJOURNMENT

Motion by Commissioner Marshall, second by Commissioner Kingsley. Approved 5-0

Thereafter, the meeting was adjourned at 7:45 p.m..

Lieutenant Timothy Falvey
Secretary
San Francisco Police Commission

rct/1071

06-06-11 P03:36 RCVD

The Police Commission

CITY AND COUNTY OF SAN FRANCISCO

THOMAS MAZZUCCO
President

DR. JOE MARSHALL
Vice President

PETRA DEJESUS
Commissioner

ANGELA CHAN
Commissioner

CAROL KINGSLEY
Commissioner

R. JAMES SLAUGHTER
Commissioner

Lieutenant Timothy Falvey
Secretary

SAN FRANCISCO POLICE COMMISSION AGENDA
REGULAR MEETING
WEDNESDAY, JUNE 8, 2011
5:30 p.m.

CITY HALL, ROOM 400
#1 Dr. Carlton B. Goodlett Place
San Francisco, California

Pledge of Allegiance; Roll Call

1. **Approval of Minutes** (ACTION)
   - May 25, 2011

2. **General Public Comment**
   (The public is now welcome to address the Commission regarding items that do not appear on tonight's agenda but that are within the subject matter jurisdiction of the Commission. Speakers shall address their remarks to the Commission as a whole and not to individual Commissioners or Department or OCC personnel. Under Police Commission Rules of Order, during public comment, neither Police or OCC personnel, nor Commissioners are required to respond to questions presented by the public but, may provide a brief response. Individual Commissioners and Police and OCC personnel should refrain, however, from entering into any debates or discussion with speakers during public comment. Please limit your comments to three (3) minutes.)

3. **Reports and Announcements**
   a. Chief's report (DISCUSSION)
      - Report on crime statistics
      - Review of recent activities
      - Status update regarding Community Policing
      - Update regarding District Stations Commanding Officers
   b. OCC Director's report (DISCUSSION)
      - Review of recent activities
      - Presentation of OCC's Monthly Comprehensive Statistical Report for the periods January 1, 2011 through May 31, 2011, and January 1, 2010 through May 31, 2010 and revised report for the periods of January 1, 2011 through April 30, 2011 and January 1, 2010 through April 30, 2010
   c. Commission reports (DISCUSSION)
      - Commission President's report
      - Commissioners' reports
   d. Commission announcements and scheduling of items identified for consideration at future Commission meetings (ACTION)

4. Public comment on all matters pertaining to Item 6 below, Closed Session – Disciplinary Cases, including public comment on vote whether to hold Item 6 in closed session.

5. Vote on whether to hold Item 6 in closed session (ACTION)

GOVERNMENT DOCUMENTS DEPT
JUN 0 2011
SAN FRANCISCO PUBLIC LIBRARY

The Police Commission

CITY AND COUNTY OF SAN FRANCISCO

THOMAS MAZZUCCO
President

DR. JOE MARSHALL
Vice President

PETRA DEJESUS
Commissioner

ANGELA CHAN
Commissioner

CAROL KINGSLEY
Commissioner

R. JAMES SLAUGHTER
Commissioner

Lieutenant Timothy Falvey
Secretary

SAN FRANCISCO POLICE COMMISSION AGENDA
REGULAR MEETING
WEDNESDAY, JUNE 8, 2011
5:30 p.m.

CITY HALL, ROOM 400
#1 Dr. Carlton B. Goodlett Place
San Francisco, California

6. **Closed Session – Disciplinary Cases**
Roll Call;

a. Pursuant to Government Code Section 54957 and San Francisco Administrative Code Section 67.10(b) and Penal Code Section 832.7:
PERSONNEL EXCEPTION: Discussion and possible action to sustain or not sustain disciplinary charges filed in Case No. IVF C10-219, and to decide penalty, if necessary (ACTION)

b. Pursuant to Government Code Section 54957 and San Francisco Administrative Code Section 67.10(b) and Penal Code Section 832.7:
PERSONNEL EXCEPTION: Discussion and possible action to sustain or not sustain disciplinary charges filed in Case No. IVF C10-220, and to decide penalty, if necessary (ACTION)

c. Pursuant to Government Code Section 54957(b)(1) and San Francisco Administrative Code Section 67.10(b) and Penal Code Section 832.7:
PERSONNEL EXCEPTION: Status and calendaring of pending disciplinary cases (DISCUSSION AND POSSIBLE ACTION)

(OPEN SESSION) Roll Call.

7. Vote to elect whether to disclose any or all discussion on Item 6 held in closed session (San Francisco Administrative Code Section 67.12(a)) (ACTION)

8. **Adjournment** (ACTION ITEM)

** SUPPORTING DOCUMENTATION FOR POLICE COMMISSION AGENDA ITEMS THAT ARE NOT CONFIDENTIAL AND DOCUMENTATION THAT HAVE BEEN DISTRIBUTED TO THE COMMISSION AFTER DISTRIBUTION OF THE AGENDA PACKETS ARE AVAILABLE FOR REVIEW AT THE POLICE COMMISSION OFFICE, THOMAS J. CAHILL HALL OF JUSTICE, 850 BRYANT STREET, ROOM 505, SAN FRANCISCO, CA 94103, DURING NORMAL BUSINESS HOURS

PLEASE NOTE: The Police Commission will be holding a Special Meeting this month at a location other than City Hall.

1. The Commission will meet in the Ingleside District at Visitation Valley Middle School, 450 Raymond, San Francisco, on Wednesday, June 29, 2011, at 6 p.m., to hear comments from the public and Ingleside Station Captain Daniel Mahoney concerning public protections issues in the Ingleside District

The Police Commission

CITY AND COUNTY OF SAN FRANCISCO

THOMAS MAZZUCCO
President

DR. JOE MARSHALL
Vice President

PETRA DEJESUS
Commissioner

ANGELA CHAN
Commissioner

CAROL KINGSLEY
Commissioner

R. JAMES SLAUGHTER
Commissioner

Lieutenant Timothy Falvey
Secretary

SAN FRANCISCO POLICE COMMISSION AGENDA

REGULAR MEETING

The Commission will hear public comment on all agenda items before or during discussion of the item.

The ringing of and use of cell phones, pagers and similar sound-producing electronic devices are prohibited at this meeting. Please be advised that the Chair may order the removal from the meeting room of any person(s) responsible for the ringing or use of a cell phone, pager, or other similar sound-producing electronic devices.

KNOW YOUR RIGHTS UNDER THE SUNSHINE ORDINANCE

(Chapter 67 of the San Francisco Administrative Code)

Government's duty is to serve the public, reaching its decisions in full view of the public.

Commissions, boards, councils, and other agencies of the City and County exist to conduct the people's business. This ordinance assures that deliberations are conducted before the people and that City operations are open to the people's review.

FOR MORE INFORMATION ON YOUR RIGHTS UNDER THE SUNSHINE ORDINANCE OR TO REPORT VIOLATION OF THE ORDINANCE, CONTACT THE SUNSHINE ORDINANCE TASK FORCE: ADMINISTRATOR, CITY HALL, ROOM 244, #1 DR. CARLTON B. GOODLETT PLACE, SAN FRANCISCO, CA 94102-4689; OFFICE (415) 554-5163. COPIES OF THE SUNSHINE ORDINANCE CAN BE OBTAINED FROM THE CLERK OF THE SUNSHINE TASK FORCE, THE SAN FRANCISCO PUBLIC LIBRARY, AND ON THE CITY'S WEBSITE AT www.ci.sf.ca.us/bdsupvrs/sunshine

Lobbyist Registration and Reporting Requirements
Individuals and entities that influence or attempt to influence local legislative or administrative action may be required by the San Francisco Lobbyist Ordinance [SF Campaign & Government Code §2.100] to register and report lobbying activity. For more information about the Lobbyist Ordinance, please contact the San Francisco Ethics Commission at 30 Ness Avenue, Suite 3900, San Francisco, CA 94102; telephone (415) 581-2300; fax (415) 581-2317; webs site www.sfgov.org/ethics.

SAN FRANCISCO POLICE COMMISSION
PUBLIC MEETING/HEARING ACCESSIBILITY INFORMATION

Communication accessibility services; including sign language interpreters or computer aided real time captioning will be made available upon advance request. Please call the Police Commission Office at 553-1667 (v) or 553-9194 (tty), at least 72 hours prior to a proceeding. Late requests will be honored if possible.

A **sound enhancement system** will be available on request at the proceeding.

Meeting agendas and other print materials will be made available in alternate formats (computer disk, via email, fax, large print) upon advance request at least 72 hours prior to a proceeding. Please call the Police Commission Office at 553-1667 (v) or 553-9194 (tty). Late requests will be honored if possible.

Individuals with severe allergies, environmental illness, multiple chemical sensitivity or related disabilities should call 553-1667 to discuss meeting accessibility. In order to assist the City's efforts to accommodate such people, attendees at public meetings are reminded that other attendees may be sensitive to various chemical based products.

The proceeding will be held at City Hall, Room 400, #1 Dr. Carlton B. Goodlett Place, San Francisco. The closest accessible BART station is the Civic Center Station. For information about MUNI service, please call 311.

Accessible parking are available on Carlton Goodlett Place, Grove Street, and Van Ness Avenue.

Accessible seating for persons with disabilities and wheelchairs will be available.

For information about the meeting, please call 553-1667(v) or 553-9194 (tty).

JUNE 8, 2011 REGULAR MEETING

The Police Commission of the City and County of San Francisco met in Room 400, City Hall, #1 Dr. Carlton B. Goodlett Place, San Francisco, at 5:40 p.m.

PRESENT: Commissioners Mazzucco, Marshall, DeJesus, Chan, Kingsley, Slaughter

(Commissioner DeJesus arrived at 5:50 p.m.)

Chief Suhr announced the deaths of SFFD members Lt. Perez and Firefighter Valerio and asked for a moment of silence.

APPROVAL OF MINUTES

- **May 25, 2011**

Correction by Commissioner Chan on the May 25, 2011 minutes.

Motion by Commissioner Marshall, second by Commissioner Kingsley. Approved 6-0.

GOVERNMENT DOCUMENTS DEPT
AUG 12 2011
SAN FRANCISCO PUBLIC LIBRARY

PUBLIC COMMENT

None

PUBLIC COMMENT

Christina spoke for a gentleman who was allegedly falsely arrested.

Unidentified spoke of being falsely arrested by the police after being accused of hitting the victim with a door.

Emile Lawrence, SF resident for 41 years, spoke in regards to how many police will be assigned to Treasure Island and Mare Island and what will be the overall cost on an annual basis to patrol Treasure Island as they rebuild it for public housing.

Eric Kane discussed harassment and being 5150'd by the police and thinking that the police was out to get him.

Steve Pitocchi, SEIU Local 1021, congratulated Chief Suhr on his appointment.

REPORTS AND ANNOUNCEMENTS

a. **Chief's Report**
- **Report on crime statistics**
- **Review of recent activities**
- **Status update regarding Community Policing**
- **Update regarding District Stations Commanding Officers**

Chief Suhr gave a brief report on crime statistics and talked about an officer-involved shooting that occurred yesterday in regards to a bank robbery suspect from Southern California.

Chief Suhr talked about the Community Policing committee meeting next week and a draft general order to make community policing a policy.

Chief Suhr went on to talk about new Captains assigned to the ten district stations.

b. **OCC Director's Report**
- **Review of recent activities**
- **Presentation of OCC's Monthly Comprehensive Statistical Report for the periods January 1, 2011 through May 31, 2011, and January 1, 2010 through May 31, 2010 and revised report for the periods of January 1, 2011 through April 30, 2011 and January 1, 2010 through April 30, 2010**

Director Hicks introduced Elise Shannon as the new intern at the OCC.

Director Hicks presented the OCC's Monthly Comprehensive Statistical Report for the periods of January 1, 2011 through May 31, 2011, and talked about the revised report for the periods of January 1, 2011 through April 30, 2011 and January 1, 2010 through April 30, 2010.

c. **Commission Reports**
- **Commission President's Report**
- **Commissioners' Reports**

No report from Commissioner Mazzucco.

Commissioner Slaughter talked about trust accounts set up for the families of SFFD members Lt. Vince Perez and Firefighter Tony Valerio.

d. **Commission Announcements, scheduling of items identified for consideration at future Commission meetings**

Lt. Falvey announced that the Commission will meet in the Ingleside District on June 29th, at the Visitacion Valley Middle School, 450 Raymond.

PUBLIC COMMENT

Emile Lawrence talked about request for documents from OCC and how his complaint at the OCC did not go anywhere for nine months.

Steve Pitocchi, SEIU 1021, would like to hear about statistics from the Airport Bureau.

PUBLIC COMMENT ON ALL MATTERS PERTAINING TO CLOSED SESSION

None

VOTE ON WHETHER TO HOLD CLOSED SESSION

Motion by Commissioner Chan, second by Commissioner Marshall. Approved 6-0.

CLOSED SESSION (6:15 p.m. – 7: 30 p.m.)

a. **PERSONNEL EXCEPTION: Discussion and possible action to accept or reject Stipulated Disposition of disciplinary charges filed in Case No. IVF C10-219** (Resolution 11-56)

and

b. **PERSONNEL EXCEPTION: Discussion and possible action to accept or reject Stipulated Disposition of disciplinary charges filed in Case No. IVF C10-220** (Resolution 11-57)

(PRESENT: Commissioners Mazzucco, Marshall, DeJesus, Chan, Kingsley, Slaughter, Lieutenant Falvey, Risa Tom, Chief Suhr, Commander Tomioka, Deputy City Attorney Blits, Director Hicks, Attorney Fraenkel, Attorney Fortes, Attorney Stiglich, Mr. Steve Johnson, OCC Intern Shannon, members involved)

(Taken in shorthand form by Ms. Eastellar Bruihl, CSR)

c. **PERSONNEL EXCEPTION: Status and calendaring of pending disciplinary cases**
(PRESENT: Commissioners Mazzucco, Marshall, Chan, Kingsley, Lieutenant Falvey, Risa Tom, Chief Suhr, Commander Tomioka, City Attorney Blits)

VOTE TO ELECT WHETHER TO DISCLOSE ANY OR ALL DISCUSSION HELD IN CLOSED SESSION

Motion by Commissioner Chan, second by Commissioner Marshall for non disclosure. Approved 6-0.

ADJOURNMENT

Motion by Commissioner Mazzucco, second by Commissioner Chan to adjourn the meeting in memory of SFFD Lieutenant Perez and Firefighter Valerio. Approved 6-0

Thereafter, the meeting was adjourned in memory of SFFD Lt. Perez and Firefighter Valerio at 7:30 p.m.

_____

Lieutenant Timothy Falvey
Secretary
San Francisco Police Department

1071/rct

The Police Commission

CITY AND COUNTY OF SAN FRANCISCO

THOMAS MAZZUCCO
President

DR. JOE MARSHALL
Vice President

PETRA DEJESUS
Commissioner

ANGELA CHAN
Commissioner

CAROL KINGSLEY
Commissioner

R. JAMES SLAUGHTER
Commissioner

Lieutenant Timothy Falvey
Secretary

SAN FRANCISCO POLICE COMMISSION AGENDA
REGULAR MEETING
WEDNESDAY, JUNE 15, 2011
5:30 p.m.

CITY HALL, ROOM 400
#1 Dr. Carlton B. Goodlett Place
San Francisco, California

Pledge of Allegiance; Roll Call

1. **General Public Comment**
(The public is now welcome to address the Commission regarding items that do not appear on tonight's agenda but that are within the subject matter jurisdiction of the Commission. Speakers shall address their remarks to the Commission as a whole and not to individual Commissioners or Department or OCC personnel. Under Police Commission Rules of Order, during public comment, neither Police or OCC personnel, nor Commissioners are required to respond to questions presented by the public but, may provide a brief response. Individual Commissioners and Police and OCC personnel should refrain, however, from entering into any debates or discussion with speakers during public comment. Please limit your comments to three (3) minutes.)

06-10-11P03:11 RCVD

2. **Reports and Announcements**
   a. Chief's report (DISCUSSION)
      - Report on crime statistics
      - Review of recent activities
      - Status report regarding Patrol Special Officers' compliance
      - Report regarding the Police Reserves Program
   b. OCC Director's report (DISCUSSION)
      - Review of recent activities
   c. Commission reports (DISCUSSION)
      - Commission President's report
      - Commissioners' reports
   d. Commission announcements and scheduling of items identified for consideration at future Commission meetings (ACTION)

GOVERNMENT
DOCUMENTS DEPT

JUN 10 2011

SAN FRANCISCO
PUBLIC LIBRARY

3. Public comment on all matters pertaining to Item 5 below, Closed Session – Disciplinary Cases, including public comment on vote whether to hold Item5 in closed session.

4. Vote on whether to hold Item 5 in closed session (ACTION)

5. **Closed Session – Disciplinary Cases**
Roll Call;

   a. Pursuant to Government Code Section 54957 and San Francisco Administrative Code Section 67.10(b) and Penal Code Section 832.7:
   PERSONNEL EXCEPTION: Decision to return disciplinary charges filed in Case No. IVF C11-093 to the Chief's level per disposition agreed to by the Chief and the parties (ACTION)

The Police Commission

CITY AND COUNTY OF SAN FRANCISCO
SAN FRANCISCO POLICE COMMISSION AGENDA
REGULAR MEETING
WEDNESDAY, JUNE 15, 2011
5:30 p.m.

CITY HALL, ROOM 400
#1 Dr. Carlton B. Goodlett Place
San Francisco, California

THOMAS MAZZUCCO
President

DR. JOE MARSHALL
Vice President

PETRA DEJESUS
Commissioner

ANGELA CHAN
Commissioner

CAROL KINGSLEY
Commissioner

R. JAMES SLAUGHTER
Commissioner

Lieutenant Timothy Falvey
Secretary

5. b. Pursuant to Government Code Section 54957 and San Francisco Administrative Code Section 67.10(b) and Penal Code Section 832.7:
PERSONNEL EXCEPTION: Discussion and possible action to accept or reject Stipulated Disposition of disciplinary charges filed in Case no. JWA C10-189 (ACTION)

c. Pursuant to Government Code Section 54957 and San Francisco Administrative Code Section 67.10(b) and Penal Code Section 832.7:
PERSONNEL EXCEPTION: Status update and possible disposition of disciplinary charges filed in Case no. ALW C10-241 (ACTION)

d. Pursuant to Government Code Section 54957 and San Francisco Administrative Code Section 67.10(b) and Penal Code Section 832.7:
PERSONNEL EXCEPTION: Adoption of amended Resolution No. 11-36 regarding remaining specifications in Case No. JWA C10-186 (ACTION)

e. Pursuant to Government Code Section 54957 and San Francisco Administrative Code Section 67.10(b) and Penal Code Section 832.7:
PUBLIC EMPLOYEE PERFORMANCE EVALUATION: Chief of Police Review of findings and decision to return officer to duty following officer-involved shooting (OIS Case No. 11-002) (DISCUSSION ONLY)

f. Pursuant to Government Code Section 54957(b)(1) and San Francisco Administrative Code Section 67.10(b) and Penal Code Section 832.7:
PERSONNEL EXCEPTION: Status and calendaring of pending disciplinary cases (DISCUSSION AND POSSIBLE ACTION)

(OPEN SESSION) Roll Call.

6. Vote to elect whether to disclose any or all discussion on Item5 held in closed session (San Francisco Administrative Code Section 67.12(a)) (ACTION)

7. **Adjournment** (ACTION ITEM)

** SUPPORTING DOCUMENTATION FOR POLICE COMMISSION AGENDA ITEMS THAT ARE NOT CONFIDENTIAL AND DOCUMENTATION THAT HAVE BEEN DISTRIBUTED TO THE COMMISSION AFTER DISTRIBUTION OF THE AGENDA PACKETS ARE AVAILABLE FOR REVIEW AT THE POLICE COMMISSION OFFICE, THOMAS J. CAHILL HALL OF JUSTICE, 850 BRYANT STREET, ROOM 505, SAN FRANCISCO, CA 94103, DURING NORMAL BUSINESS HOURS

PLEASE NOTE: The Police Commission will be holding a Special Meeting this month at a location other than City Hall.

1. The Commission will meet in the Ingleside District at Visitation Valley Middle School, 450 Raymond, San Francisco, on Wednesday, June 29, 2011, at 6 p.m., to hear comments from the public and Ingleside Station Captain Daniel Mahoney concerning public protections issues in the Ingleside District

The Police Commission

CITY AND COUNTY OF SAN FRANCISCO

THOMAS MAZZUCCO
President

DR. JOE MARSHALL
Vice President

PETRA DEJESUS
Commissioner

ANGELA CHAN
Commissioner

CAROL KINGSLEY
Commissioner

R. JAMES SLAUGHTER
Commissioner

Lieutenant Timothy Falvey
Secretary

SAN FRANCISCO POLICE COMMISSION AGENDA

REGULAR MEETING

The Commission will hear public comment on all agenda items before or during discussion of the item.

The ringing of and use of cell phones, pagers and similar sound-producing electronic devices are prohibited at this meeting. Please be advised that the Chair may order the removal from the meeting room of any person(s) responsible for the ringing or use of a cell phone, pager, or other similar sound-producing electronic devices.

KNOW YOUR RIGHTS UNDER THE SUNSHINE ORDINANCE

(Chapter 67 of the San Francisco Administrative Code)

Government's duty is to serve the public, reaching its decisions in full view of the public.

Commissions, boards, councils, and other agencies of the City and County exist to conduct the people's business. This ordinance assures that deliberations are conducted before the people and that City operations are open to the people's review.

FOR MORE INFORMATION ON YOUR RIGHTS UNDER THE SUNSHINE ORDINANCE OR TO REPORT VIOLATION OF THE ORDINANCE, CONTACT THE SUNSHINE ORDINANCE TASK FORCE: ADMINISTRATOR, CITY HALL, ROOM 244, #1 DR. CARLTON B. GOODLETT PLACE, SAN FRANCISCO, CA 94102-4689; OFFICE (415) 554-5163. COPIES OF THE SUNSHINE ORDINANCE CAN BE OBTAINED FROM THE CLERK OF THE SUNSHINE TASK FORCE, THE SAN FRANCISCO PUBLIC LIBRARY, AND ON THE CITY'S WEBSITE AT www.ci.sf.ca.us/bdsupvrs/sunshine

Lobbyist Registration and Reporting Requirements
Individuals and entities that influence or attempt to influence local legislative or administrative action may be required by the San Francisco Lobbyist Ordinance [SF Campaign & Government Code §2.100] to register and report lobbying activity. For more information about the Lobbyist Ordinance, please contact the San Francisco Ethics Commission at 30 Ness Avenue, Suite 3900, San Francisco, CA 94102; telephone (415) 581-2300; fax (415) 581-2317; webs site www.sfgov.org/ethics.

SAN FRANCISCO POLICE COMMISSION
PUBLIC MEETING/HEARING ACCESSIBILITY INFORMATION

Communication accessibility services; including sign language interpreters or computer aided real time captioning will be made available upon advance request. Please call the Police Commission Office at 553-1667 (v) or 553-9194 (tty), at least 72 hours prior to a proceeding. Late requests will be honored if possible.

A **sound enhancement system** will be available on request at the proceeding.

Meeting agendas and other print materials will be made available in alternate formats (computer disk, via email, fax, large print) upon advance request at least 72 hours prior to a proceeding. Please call the Police Commission Office at 553-1667 (v) or 553-9194 (tty). Late requests will be honored if possible.

Individuals with severe allergies, environmental illness, multiple chemical sensitivity or related disabilities should call 553-1667 to discuss meeting accessibility. In order to assist the City's efforts to accommodate such people, attendees at public meetings are reminded that other attendees may be sensitive to various chemical based products.

The proceeding will be held at City Hall, Room 400, #1 Dr. Carlton B. Goodlett Place, San Francisco. The closest accessible BART station is the Civic Center Station. For information about MUNI service, please call 311.

Accessible parking are available on Carlton Goodlett Place, Grove Street, and Van Ness Avenue.

Accessible seating for persons with disabilities and wheelchairs will be available.

For information about the meeting, please call 553-1667(v) or 553-9194 (tty).

VOTE TO ELECT WHETHER TO DISCLOSE ANY OR ALL DISCUSSION HELD IN CLOSED SESSION

Motion by Commissioner Marshall, second by Commissioner Chan for non disclosure. Approved 5-0.

ADJOURNMENT

Motion by Commissioner Kingsley, second by Commissioner Marshall. Approved 5-0

Thereafter, the meeting was adjourned at 7:30 p.m.

Lieutenant Timothy Falvey
Secretary
San Francisco Police Commission

1071/rct

PUBLIC COMMENT

Barbara Groth would like retired captains to be part of the commission.
Tom Silhorst discussed concerns regarding community policing.
Emile Lawrence discussed pros and cons on the selection of the new commissioner.

PUBLIC COMMENT ON ALL MATTERS PERTAINING TO CLOSED SESSION

None

VOTE ON WHETHER TO HOLD CLOSED SESSION

Motion by Commissioner Marshall, second by Commissioner Kingsley. Approved 5-0.

CLOSED SESSION (6:05 p.m. to 7:25 p.m.)

a. **PERSONNEL EXCEPTION: Decision to return disciplinary charges filed in Case No. IVF C11-093 to the Chief's level per disposition agreed to by the Chief and the parties**

(PRESENT: Commissioners Mazzucco, Marshall, Chan, Kingsley, Slaughter, Lieutenant Falvey, Risa Tom, Chief Suhr, Commander Tomioka, Director Hicks, Attorney Fraenkel, OCC Intern Shannon, Mr. Steve Johnson, member involved)

Motion by Commissioner Mazzucco, second by Commissioner Chan to accept stipulation as amended. Approved 5-0

b. **PERSONNEL EXCEPTION: Discussion and possible action to accept or reject Stipulated Disposition of disciplinary charges filed in Case No. JWA C10-189**

(PRESENT: Commissioners Mazzucco, Marshall, Chan, Kingsley, Slaughter, Lieutenant Falvey, Risa Tom, Chief Suhr, Commander Tomioka)

Put over to July 6th.

c. **PERSONNEL EXCEPTION: Status update and possible disposition of disciplinary charges filed in Case No. ALW C10-241**

(PRESENT: Commissioners Mazzucco, Marshall, Chan, Kingsley, Slaughter, Lieutenant Falvey, Risa Tom, Chief Suhr, Commander Tomioka)

d. **PERSONNEL EXCEPTION: Adoption of amended Resolution No. 11-36 regarding remaining specifications n Case No. JWA C10-186**

(PRESENT: Commissioners Mazzucco, Marshall, Chan, Kingsley, Slaughter, Lieutenant Falvey, Risa Tom, Chief Suhr, Commander Tomioka)

Motion by Commissioner Chan, second by Commissioner Marshall to recuse Commission Slaughter. Approved 4-0. Commissioner Slaughter recused.

Motion by Commissioner Kingsley, second by Commissioner Marshall adopting amended Resolution No. 11-36. Approved 4-0.

e. **PUBLIC EMPLOYEE PERFORMANCE EVALUATION: Chief of Police Review of findings and decision to return officer to duty following officer-involved shooting (OIS Case No. 11-002)**

(PRESENT: Commissioners Mazzucco, Marshall, Chan, Kingsley, Slaughter, Lieutenant Falvey, Risa Tom, Chief Suhr, Commander Tomioka, Captain McEachern, Lt. Yick, Lt. Moser, Inspector Nevin, Inspector Tomioka)

f. **PERSONNEL EXCEPTION: Status and calendaring of pending disciplinary cases**

(PRESENT: Commissioners Mazzucco, Marshall, Chan, Kingsley, Lieutenant Falvey, Risa Tom, Chief Suhr, Commander Tomioka)

JUNE 15, 2011 REGULAR MEETING

The Police Commission of the City and County of San Francisco met in Room 400, City Hall, #1 Dr. Carlton B. Goodlett Place, San Francisco, at 5:40 p.m.

PRESENT: Commissioners Mazzucco, Marshall, Chan, Kingsley, Slaughter
ABSENT: Commissioner DeJesus

PUBLIC COMMENT

Gary Delagnes, POA President, spoke in regards to the Drop Program not being extended and the upcoming attrition of police officers in the next three years and hoping that the Commission can come up with a plan. Mr. Delagnes stated that he would recommend a task force consisting of the Commission, the Department and the POA to come up with a plan.

Mr. Harrison spoke in regards to the homicide of his brother.

Clyde spoke in regards to the new appointed commissioner and apologized for mentioning an officer's name during public comment.

Eric King spoke in regards to his OCC complaint.

GOVERNMENT DOCUMENTS DEPT
AUG 1 2 2011
SAN FRANCISCO PUBLIC LIBRARY

REPORTS AND ANNOUNCEMENTS

a. Chief's Report
- Report on crime statistics
- Review of recent activities
- Status update regarding Patrol Special Officers' compliance
- Report regarding the Police Reserves Program

SF
P45
#2
6/15/11

Chief Suhr gave a brief report on crime statistics.

Lieutenant Henry Parra, Patrol Special and Police Reserves liaison, reported on patrol special officers' compliance and talked about the Police Reserves Program. Lt. Parra stated that there are 33 police reserves assigned to the Patrol Division. Police Reserves are required to volunteer 16 hours per month.

b. OCC Director's Report
- Review of recent activities

Director Hicks has no report.

c. Commission Reports
- Commission President's Report
- Commissioners' Reports

No report from Commissioner Mazzucco.

Commissioner Chan spoke in regards to attending the services for the two fallen firefighters.

d. Commission Announcements, scheduling of items identified for consideration at future Commission meetings

Commissioner Chan would like the bi-monthly CIT report on the agenda next week and requested that the Commission discuss Community Policing and how it is defined and how the Department prioritize and rate community policing partnerships.

Chief Suhr stated that around September he would like to present a draft of a DGO in regards to community policing.

Commissioner Chan suggested having two commissioners sit in on meetings in regards to community policing.

Lt. Falvey announced that the Commission will meet in the Ingleside District on June 29th, at the Visitacion Valley Middle School, 450 Raymond Avenue.

The Police Commission

CITY AND COUNTY OF SAN FRANCISCO

THOMAS MAZZUCCO
President

DR. JOE MARSHALL
Vice President

PETRA DEJESUS
Commissioner

ANGELA CHAN
Commissioner

CAROL KINGSLEY
Commissioner

R. JAMES SLAUGHTER
Commissioner

Lieutenant Timothy Falvey
Secretary

SAN FRANCISCO POLICE COMMISSION AGENDA
REGULAR MEETING
WEDNESDAY, JUNE 22, 2011
5:30 p.m.

CITY HALL, ROOM 400
#1 Dr. Carlton B. Goodlett Place
San Francisco, California

Pledge of Allegiance; Roll Call

1. **General Public Comment**
(The public is now welcome to address the Commission regarding items that do not appear on tonight's agenda but that are within the subject matter jurisdiction of the Commission. Speakers shall address their remarks to the Commission as a whole and not to individual Commissioners or Department or OCC personnel. Under Police Commission Rules of Order, during public comment, neither Police or OCC personnel, nor Commissioners are required to respond to questions presented by the public but, may provide a brief response. Individual Commissioners and Police and OCC personnel should refrain, however, from entering into any debates or discussion with speakers during public comment. Please limit your comments to three (3) minutes.)

2. **Reports and Announcements**
   a. Chief's report (DISCUSSION)
      - Report on crime statistics
      - Review of recent activities
   b. OCC Director's report (DISCUSSION)
      - Review of recent activities
   c. Commission reports (DISCUSSION)
      - Commission President's report
      - Commissioners' reports
   d. Commission announcements and scheduling of items identified for consideration at future Commission meetings (ACTION)

GOVERNMENT DOCUMENTS DEPT
JUN 17 2011
SAN FRANCISCO PUBLIC LIBRARY

3. Department's Crisis Intervention Training (CIT) Working Group update (DISCUSSION)

4. Public comment on all matters pertaining to Item 6 below, Closed Session – Disciplinary Cases, including public comment on vote whether to hold Item6 in closed session.

5. Vote on whether to hold Closed Session, including vote on whether to assert the attorney-client privilege with regard to Item 6(b) (San Francisco Administrative Code Section 67.10) (ACTION)

6. **Closed Session – Disciplinary Cases**
Roll Call;

   a. Pursuant to Government Code Section 54957 and San Francisco Administrative Code Section 67.10(b) and Penal Code Section 832.7:
   PERSONNEL EXCEPTION: Discussion and possible action to adopt proposed Findings of Fact regarding the Commission's December 1, 2010 decision sustaining the Chief's Suspension filed in Case No. JCT D06-173 (ACTION)

The Police Commission

CITY AND COUNTY OF SAN FRANCISCO
SAN FRANCISCO POLICE COMMISSION AGENDA
REGULAR MEETING
WEDNESDAY, JUNE 22, 2011
5:30 p.m.

CITY HALL, ROOM 400
#1 Dr. Carlton B. Goodlett Place
San Francisco, California

THOMAS MAZZUCCO
President

DR. JOE MARSHALL
Vice President

PETRA DEJESUS
Commissioner

ANGELA CHAN
Commissioner

CAROL KINGSLEY
Commissioner

R. JAMES SLAUGHTER
Commissioner

Lieutenant Timothy Falvey
Secretary

6. b. Pursuant to Government Code Section 54956.9(a) and San Francisco Administrative Code Section 67.10(d)(1): (DISCUSSION & POSSIBLE ACTION) CONFERENCE WITH LEGAL COUNSEL
Arash Ghanadan v. CCSF, et. al., San Francisco Superior Court No. 495308. Discussion and possible action to recommend that the Board of Supervisors approve recommended settlement in the action.

c. Pursuant to Government Code Section 54957(b)(1) and San Francisco Administrative Code Section 67.10(b) and Penal Code Section 832.7:
PERSONNEL EXCEPTION: Status and calendaring of pending disciplinary cases (DISCUSSION AND POSSIBLE ACTION)

(OPEN SESSION) Roll Call.

7. Vote to elect whether to disclose any or all discussion on Item 6 held in closed session (San Francisco Administrative Code Section 67.12(a)) (ACTION)

8. **Adjournment** (ACTION ITEM)

** SUPPORTING DOCUMENTATION FOR POLICE COMMISSION AGENDA ITEMS THAT ARE NOT CONFIDENTIAL AND DOCUMENTATION THAT HAVE BEEN DISTRIBUTED TO THE COMMISSION AFTER DISTRIBUTION OF THE AGENDA PACKETS ARE AVAILABLE FOR REVIEW AT THE POLICE COMMISSION OFFICE, THOMAS J. CAHILL HALL OF JUSTICE, 850 BRYANT STREET, ROOM 505, SAN FRANCISCO, CA 94103, DURING NORMAL BUSINESS HOURS

PLEASE NOTE: The Police Commission will be holding a Special Meeting this month at a location other than City Hall.

1. The Commission will meet in the Ingleside District at Visitation Valley Middle School, 450 Raymond, San Francisco, on Wednesday, June 29, 2011, at 6 p.m., to hear comments from the public and Ingleside Station Captain Daniel Mahoney concerning public protections issues in the Ingleside District

The Police Commission

CITY AND COUNTY OF SAN FRANCISCO

THOMAS MAZZUCCO
President

DR. JOE MARSHALL
Vice President

PETRA DEJESUS
Commissioner

ANGELA CHAN
Commissioner

CAROL KINGSLEY
Commissioner

R. JAMES SLAUGHTER
Commissioner

Lieutenant Timothy Falvey
Secretary

SAN FRANCISCO POLICE COMMISSION AGENDA

REGULAR MEETING

The Commission will hear public comment on all agenda items before or during discussion of the item.

The ringing of and use of cell phones, pagers and similar sound-producing electronic devices are prohibited at this meeting. Please be advised that the Chair may order the removal from the meeting room of any person(s) responsible for the ringing or use of a cell phone, pager, or other similar sound-producing electronic devices.

KNOW YOUR RIGHTS UNDER THE SUNSHINE ORDINANCE

(Chapter 67 of the San Francisco Administrative Code)

Government's duty is to serve the public, reaching its decisions in full view of the public.

Commissions, boards, councils, and other agencies of the City and County exist to conduct the people's business. This ordinance assures that deliberations are conducted before the people and that City operations are open to the people's review.

FOR MORE INFORMATION ON YOUR RIGHTS UNDER THE SUNSHINE ORDINANCE OR TO REPORT VIOLATION OF THE ORDINANCE, CONTACT THE SUNSHINE ORDINANCE TASK FORCE: ADMINISTRATOR, CITY HALL, ROOM 244, #1 DR. CARLTON B. GOODLETT PLACE, SAN FRANCISCO, CA 94102-4689; OFFICE (415) 554-5163. COPIES OF THE SUNSHINE ORDINANCE CAN BE OBTAINED FROM THE CLERK OF THE SUNSHINE TASK FORCE, THE SAN FRANCISCO PUBLIC LIBRARY, AND ON THE CITY'S WEBSITE AT www.ci.sf.ca.us/bdsupvrs/sunshine

Lobbyist Registration and Reporting Requirements
Individuals and entities that influence or attempt to influence local legislative or administrative action may be required by the San Francisco Lobbyist Ordinance [SF Campaign & Government Code §2.100] to register and report lobbying activity. For more information about the Lobbyist Ordinance, please contact the San Francisco Ethics Commission at 30 Ness Avenue, Suite 3900, San Francisco, CA 94102; telephone (415) 581-2300; fax (415) 581-2317; webs site www.sfgov.org/ethics.

SAN FRANCISCO POLICE COMMISSION
PUBLIC MEETING/HEARING ACCESSIBILITY INFORMATION

Communication accessibility services; including sign language interpreters or computer aided real time captioning will be made available upon advance request. Please call the Police Commission Office at 553-1667 (v) or 553-9194 (tty), at least 72 hours prior to a proceeding. Late requests will be honored if possible.

A **sound enhancement system** will be available on request at the proceeding.

Meeting agendas and other print materials will be made available in alternate formats (computer disk, via email, fax, large print) upon advance request at least 72 hours prior to a proceeding. Please call the Police Commission Office at 553-1667 (v) or 553-9194 (tty). Late requests will be honored if possible.

Individuals with severe allergies, environmental illness, multiple chemical sensitivity or related disabilities should call 553-1667 to discuss meeting accessibility. In order to assist the City's efforts to accommodate such people, attendees at public meetings are reminded that other attendees may be sensitive to various chemical based products.

The proceeding will be held at City Hall, Room 400, #1 Dr. Carlton B. Goodlett Place, San Francisco. The closest accessible BART station is the Civic Center Station. For information about MUNI service, please call 311.

Accessible parking are available on Carlton Goodlett Place, Grove Street, and Van Ness Avenue.

Accessible seating for persons with disabilities and wheelchairs will be available.

For information about the meeting, please call 553-1667(v) or 553-9194 (tty).

JUNE 22, 2011 REGULAR MEETING

The Police Commission of the City and County of San Francisco met in Room 400, City Hall, #1 Dr. Carlton B. Goodlett Place, San Francisco, at 5:30 p.m.

PRESENT: Commissioners Mazzucco, Marshall, Chan, DeJesus, Kingsley, Turman
ABSENT: Commissioner Slaughter

(Commissioner Turman arrived at 5:50 p.m.)

GOVERNMENT DOCUMENTS DEPT
AUG 12 2011
SAN FRANCISCO PUBLIC LIBRARY

PUBLIC COMMENT

Jackkee Bryson addressed the Commission regarding the need for citizen-involved policing in San Francisco and commended Captain Lazar and Lt. Solomon. She also discussed concerns regarding the impact of the gay pride parade in the South of Market area.

Joyce talked about recent homicide in the Northern district and the impact of the America's cup in her neighborhood.

Barry Pearl spoke in regards to background investigation of non-sworn members of the department and the inappropriate behavior of the background investigator from a private firm. (Documents)

Emile Lawrence spoke in regards to recent homicide in the Marina and investigations.

Barry King spoke in regards to concerns about harassment and showed a note showing the words "somewhere close please" that was left by his apartment window.

Clyde welcomed Commissioner Turman and spoke in regards to an article about 6th Street and spoke in regards to an incident at SFO.

Commissioner Mazzucco congratulated and welcomed Commissioner Turman.

Commissioner Turman addressed the Commission and the audience.

Commissioners DeJesus, Chan, Kingsley, and Marshall welcomed Commissioner Turman.

DEPARTMENT'S CRISIS INTERVENTION TRAINING (CIT) WORKING GROUP UPDATE

Taken out of order.

Captain Goldberg presented the CIT group update and talked about its progress.

Cecile O'Connor, Program Director, gave a brief update in regards to statistics.

Michael Goss spoke in regards to the training curriculum.

PUBLIC COMMENT
None

REPORTS AND ANNOUNCEMENTS
a. Chief's Report
- Report on crime statistics
- Review of recent activities

Chief Suhr gave a brief report on crime statistics and talked about the UASI Conference at the Hilton Hotel, the Special Olympics Torch Run, the Community Policing meeting on drafting of the Community Policing general order, Pink Saturday and Sunday's Pride Parade.

Chief Suhr also talked about recent suicide outside Mission Station on Monday and the body found in the Bay by Fort Mason being investigated by the Homicide Unit.

Chief Suhr also talked about the budget and contract negotiations with the POA and talked about the end of the Drop Program.

b. **OCC Director's Report**
- **Review of recent activities**

Director Hicks spoke in regards to the OCC budget and stated that there will be no layoffs.

c. **Commission Reports**
- **Commission President's Report**
- **Commissioners' Reports**

Commissioner Mazzucco thanked the Chief and the POA for negotiations that are ongoing in regards to the budget and spoke in regards to pension plans and misrepresentations in regards to pension plans.

Commissioner DeJesus spoke about attending Chief Suhr's promotion party.

d. **Commission Announcements, scheduling of items identified for consideration at future Commission meetings**

Commissioner DeJesus would like to calendar discussion of election of officers. Commissioner Mazzucco asked that it be placed on the July 6th agenda.

Lt. Falvey announced the District Meeting on June 29th in the Ingleside District.

Commissioner Kingsley asked that the Commission refocus on the Commission's priorities every other month. She will also forward priority list to the Chief and Director Hicks.

PUBLIC COMMENT

Emile Lawrence spoke in regards to the budget crisis and salaries of the Police Department and Fire Department personnel.

PUBLIC COMMENT ON ALL MATTERS PERTAINING TO CLOSED SESSION

None

VOTE ON WHETHER TO HOLD CLOSED SESSION

Motion by Commissioner Marshall, second by Commissioner DeJesus. Approved 6-0.

CLOSED SESSION (7:00 p.m. – 7:10 p.m.)

a. **PERSONNEL EXCEPTION: Discussion and possible action to adopt proposed Findings of Fact regarding the Commission's December 1, 2010 decision sustaining the Chief's Suspension filed in Case No. JCT D06-173**

(PRESENT: Commissioners Mazzucco, Marshall, Chan, DeJesus, Kingsley, Turman, Lieutenant Falvey, Risa Tom, Deputy City Attorney Porter, Chief Suhr, Commander Tomioka)

Put over to July 6th.

b. **CONFERENCE WITH LEGAL COUNSEL**
Arash Ghanadan v. CCSF, et. al., San Francisco Superior Court No. 495308. Discussion and possible action to recommend that the Board of Supervisors approve recommended settlement in the action.

(PRESENT: Commissioners Mazzucco, Marshall, Chan, DeJesus, Kingsley, Turman, Lieutenant Falvey, Risa Tom, Deputy City Attorney Porter, Chief Suhr, Commander Tomioka)

Deputy City Attorney Porter presented the settlement.

Motion by Commissioner Mazzucco, second by Commissioner DeJesus. Approved 6-0.

c. **PERSONNEL EXCEPTION: Status and calendaring of pending disciplinary cases** (PRESENT: Commissioners Mazzucco, Marshall, Chan, DeJesus, Kingsley, Turman, Lieutenant Falvey, Risa Tom, Deputy City Attorney Porter, Chief Suhr, Commander Tomioka)

VOTE TO ELECT WHETHER TO DISCLOSE ANY OR ALL DISCUSSION HELD IN CLOSED SESSION

Motion by Commissioner Kingsley, second by Commissioner Chan for non disclosure. Approved 6-0.

PUBLIC COMMENT

None

ADJOURNMENT

Motion by Commissioner Chan, second by Commissioner DeJesus to adjourn the meeting in honor of Chief Suhr's 30th anniversary with the Police Department. Approved 6-0

Thereafter, the meeting was adjourned at 7:10 p.m. in honor of Chief Suhr's 30th Anniversary with the Police Department.

_____

Lieutenant Timothy Falvey
Secretary
San Francisco Police Commission

1071/rct

The Police Commission

CITY AND COUNTY OF SAN FRANCISCO

THOMAS MAZZUCCO
President

DR. JOE MARSHALL
Vice President

PETRA DEJESUS
Commissioner

ANGELA CHAN
Commissioner

CAROL KINGSLEY
Commissioner

R. JAMES SLAUGHTER
Commissioner

L. JULIUS TURMAN
Commissioner

Lieutenant Timothy Falvey
Secretary

SAN FRANCISCO POLICE COMMISSION AGENDA
REGULAR MEETING
WEDNESDAY, JUNE 29, 2011
6:00 p.m.

Ingleside District
Visitacion Valley Middle School
450 Raymond Avenue
San Francisco

Pledge of Allegiance; Roll Call

1. **Reports to the Commission** (DISCUSSION)
   a. Chief's Report
      - Review of Recent Activities
   b. OCC Director's Report
      - Review of Recent Activities
   c. Commission Reports
      - Commission President's Report
      - Commissioners' Reports
   d. Commission announcements and scheduling of items identified for consideration at future Commission meetings (ACTION)

2. Captain Daniel Mahoney, Commanding Officer of Ingleside Station, to address the Commission on Police Activities in the Ingleside District (DISCUSSION)

3. **Public Comment**
   (The public is now welcome to address the Commission regarding items that do not appear on tonight's agenda but that are within the subject matter jurisdiction of the Commission. Speakers shall address their remarks to the Commission as a whole and not to individual Commissioners or Department or OCC personnel. Under Police Commission Rules of Order, during public comment, neither Police or OCC personnel, nor Commissioners are required to respond to questions presented by the public but, may provide a brief response. Individual Commissioners and Police and OCC personnel should refrain, however, from entering into any debates or discussion with speakers during public comment. Please limit your comments to three (3) minutes.)

4. **Adjournment** (ACTION)

*** SUPPORTING DOCUMENTATION FOR POLICE COMMISSION AGENDA ITEMS THAT ARE NOT CONFIDENTIAL AND DOCUMENTATION THAT HAVE BEEN DISTRIBUTED TO THE COMMISSION AFTER DISTRIBUTION OF THE AGENDA PACKETS ARE AVAILABLE FOR REVIEW AT THE POLICE COMMISSION OFFICE, THOMAS J. CAHILL HALL OF JUSTICE, 850 BRYANT STREET, ROOM 505, SAN FRANCISCO, CA 94103, DURING NORMAL BUSINESS HOURS

GOVERNMENT
DOCUMENTS DEPT

JUN 24 2011

SAN FRANCISCO
PUBLIC LIBRARY

THOMAS J. CAHILL HALL OF JUSTICE, 850 BRYANT ST., RM. 505, SAN FRANCISCO, CA 94103-4603 (415) 553-1667 FAX (415) 553-1669

The Police Commission

CITY AND COUNTY OF SAN FRANCISCO

THOMAS MAZZUCCO
President

DR. JOE MARSHALL
Vice President

PETRA DEJESUS
Commissioner

ANGELA CHAN
Commissioner

CAROL KINGSLEY
Commissioner

R. JAMES SLAUGHTER
Commissioner

L. JULIUS TURMAN
Commissioner

Lieutenant Timothy Falvey
Secretary

SAN FRANCISCO POLICE COMMISSION AGENDA

REGULAR MEETING

The Commission will hear public comment on all agenda items before or during discussion of the item.

The ringing of and use of cell phones, pagers and similar sound-producing electronic devices are prohibited at this meeting. Please be advised that the Chair may order the removal from the meeting room of any person(s) responsible for the ringing or use of a cell phone, pager, or other similar sound-producing electronic devices.

KNOW YOUR RIGHTS UNDER THE SUNSHINE ORDINANCE

(Chapter 67 of the San Francisco Administrative Code)

Government's duty is to serve the public, reaching its decisions in full view of the public.

Commissions, boards, councils, and other agencies of the City and County exist to conduct the people's business. This ordinance assures that deliberations are conducted before the people and that City operations are open to the people's review.

FOR MORE INFORMATION ON YOUR RIGHTS UNDER THE SUNSHINE ORDINANCE OR TO REPORT VIOLATION OF THE ORDINANCE, CONTACT THE SUNSHINE ORDINANCE TASK FORCE: ADMINISTRATOR, CITY HALL, ROOM 244, #1 DR. CARLTON B. GOODLETT PLACE, SAN FRANCISCO, CA 94102-4689; OFFICE (415) 554-5163. COPIES OF THE SUNSHINE ORDINANCE CAN BE OBTAINED FROM THE CLERK OF THE SUNSHINE TASK FORCE, THE SAN FRANCISCO PUBLIC LIBRARY, AND ON THE CITY'S WEBSITE AT www.ci.sf.ca.us/bdsupvrs/sunshine

Lobbyist Registration and Reporting Requirements
Individuals and entities that influence or attempt to influence local legislative or administrative action may be required by the San Francisco Lobbyist Ordinance [SF Campaign & Government Code §2.100] to register and report lobbying activity. For more information about the Lobbyist Ordinance, please contact the San Francisco Ethics Commission at 30 Ness Avenue, Suite 3900, San Francisco, CA 94102; telephone (415) 581-2300; fax (415) 581-2317; webs site www.sfgov.org/ethics.

SAN FRANCISCO POLICE COMMISSION
PUBLIC MEETING/HEARING ACCESSIBILITY INFORMATION

Communication accessibility services; including sign language interpreters or computer aided real time captioning will be made available upon advance request. Please call the Police Commission Office at 553-1667 (v) or 553-9194 (tty), at least 72 hours prior to a proceeding. Late requests will be honored if possible.

A **sound enhancement system** will be available on request at the proceeding.

Meeting agendas and other print materials will be made available in alternate formats (computer disk, via email, fax, large print) upon advance request at least 72 hours prior to a proceeding. Please call the Police Commission Office at 553-1667 (v) or 553-9194 (tty). Late requests will be honored if possible.

Individuals with severe allergies, environmental illness, multiple chemical sensitivity or related disabilities should call 553-1667 to discuss meeting accessibility. In order to assist the City's efforts to accommodate such people, attendees at public meetings are reminded that other attendees may be sensitive to various chemical based products.

The proceeding will be held at Visitacion Valley Middle School, 450 Raymond Avenue, San Francisco. The closest accessible BART station is the Balboa Station. For information about MUNI service, please call 311.

Accessible seating for persons with disabilities and wheelchairs will be available.

For information about the meeting, please call 553-1667(v) or 553-9194 (tty).

July 6, 2011

Thomas Mazzucco
President

Dr. Joe Marshall
Vice President

Petra DeJesus
Commissioner

James T. Hammer
Commissioner

Angela Chan Commissioner

Carol Kingsley
Commissioner

R. James Slaughter Commissioner

Lt. Timothy Falvey
Secretary

SAN FRANCISCO POLICE COMMISSION

SAN FRANCISCO POLICE COMMISSION AGENDA

REGULAR MEETING

WEDNESDAY, JULY 6, 2011

5:30 p.m.

City Hall, Room 400

#1 Dr. Carlton B. Goodlett Place

San Francisco, California

Pledge of Allegiance; Roll Call

GOVERNMENT
DOCUMENTS DEPT

DEC 23 2013

SAN FRANCISCO
PUBLIC LIBRARY

1. **Approval of Minutes (ACTION)**
   - **For the following meetings:**

     June 1st, 8th, 15th, & 22, 2011

2. **General Public Comment**

(The public is now welcome to address the Commission regarding items that do not appear on tonight's age but that are within the subject matter jurisdiction of the Commission. Speakers shall address their rema

the Commission as a whole and not to individual Commissioners or Department or OCC personnel. Unde Police Commission Rules of Order, during public comment, neither Police or OCC personnel, nor Commissioners are required to respond to questions presented by the public but, may provide a brief resp Individual Commissioners and Police and OCC personnel should refrain, however, from entering into an debates or discussion with speakers during public comment. Please limit your comments to three (3) mi

3. **Reports and Announcements**

   a. **Chief's report (DISCUSSION)**

      - **Report on crime statistics**
      - **Review of recent activities**

   b. **OCC Director's report (DISCUSSION)**

      - **Review of recent activities**

   c. **Commission reports (DISCUSSION)**

      - **Commission President's report**
      - **Commissioners' reports**
      - **Discussion & possible action regarding scheduling of election of Commission off**

   d. **Commission announcements and scheduling of items identified for consideration at futu Commission meetings (ACTION)**

4. **Public comment on all matters pertaining to Item 6 below, Closed Session – Disciplinary Cases, includin public comment on vote whether to hold Item6 in closed session.**

5. **Vote on whether to hold Item 6 in Closed Session (ACTION)**

6. **Closed Session – Disciplinary Cases**

   Roll Call;

   a. **Pursuant to Government Code Section 54957 and San Francisco Administrative Code Section 67.10(b) and Penal Code Section 832.7:**

      PERSONNEL EXCEPTION: Discussion and possible action to accept or reject stipulated dispos of disciplinary charges filed in Case No. JWA C10-189 (ACTION)

   b. **Pursuant to Government Code Section 54957 and San Francisco Administrative Code Section 67.10(b) and Penal Code Section 832.7:**

      PERSONNEL EXCEPTION: Discussion and possible action to determine and impose penalty on sustained specifications filed in Case Nos. JWA C09-128 and JWA C10-046, heard on March 16, (ACTION)

   c. **Pursuant to Government Code Section 54957 and San Francisco Administrative Code Section 67.10(b) and Penal Code Section 832.7:**

      PUBLIC EMPLOYEE PERFORMANCE EVALUATION: Chief of Police

      Review of findings and decision to return officer to duty following officer- involved shooting (C

Case No. 11-003) (DISCUSSION ONLY)

d. Pursuant to Government Code Section 54957(b)(1) and San Francisco Administrative Code Secti 67.10(b) and Penal Code Section 832.7:

PERSONNEL EXCEPTION: Status and calendaring of pending disciplinary cases (DISCUSSION A POSSIBLE ACTION)

(OPEN SESSION) Roll Call.

7. Vote to elect whether to disclose any or all discussion on Item 6 held in closed session (San Francisco Administrative Code Section 67.12(a)) (ACTION)

8. Adjournment (ACTION ITEM)

**** SUPPORTING DOCUMENTATION FOR POLICE COMMISSION AGENDA ITEMS THAT ARE NOT CONFIDENTIAL AND DOCUMENTATION THAT HAVE BEEN DISTRIBUTED TO THE COMMISSION AFT DISTRIBUTION OF THE AGENDA PACKETS ARE AVAILABLE FOR REVIEW AT THE POLICE COMMISS OFFICE, THOMAS J. CAHILL HALL OF JUSTICE, 850 BRYANT STREET, ROOM 505, SAN FRANCISCO, C 94103, DURING NORMAL BUSINESS HOURS**

City and County of San Francisco ©2000-2013

JULY 6, 2011 REGULAR MEETING

The Police Commission of the City and County of San Francisco met in Room 400, City Hall, #1 Dr. Carlton B. Goodlett Place, San Francisco, at 5:35 p.m.

PRESENT: Commissioners Mazzucco, Marshall, DeJesus, Chan, Kingsley, Slaughter, Turman

APPROVAL OF MINUTES

- June 1st, 8th, 15th, & 22, 2011

Commissioner Chan provided correct spelling of names for the June 22nd minutes.

Motion by Commissioner Kingsley, second by Commissioner Chan. Approved 7-0.

PUBLIC COMMENT

None

PUBLIC COMMENT

Unidentified spoke in regards to fireworks during the 4th of July and the night captains not responding to reports/complaints of illegal fireworks.

Ray Hartz, SF Open Government, spoke in regards to response during public comment and spoke in regards to violating his rights during public comment.

Clyde spoke in regards to on-duty officers harassing signature collectors.

Daniel, nonprofit community organization, spoke in regards to community guides on 6th Street corridor and discussed concerns regarding recent shootings and thanked Captains Orkes and Mannix for their work and went on to urge the Commission to move forward on a substation in the 6th Street corridor.

Juanita Pineda addressed the Commission in regards to not getting assistance from the police in regards to a 911 call for help.

REPORTS AND ANNOUNCEMENTS

a. Chief's Report
- Report on crime statistics
- Review of recent activities

Chief Suhr gave a brief report on crime statistics and talked about violence in the Bayview over the weekend. The Chief also talked about 6th Street and opening of a substation.

b. OCC Director's Report
- Review of recent activities

Director Hicks has no recent activities report.

c. Commission Reports
- Commission President's Report
- Commissioners' Reports
- Discussion & possible action regarding scheduling of election of Commission officers

Commissioner Mazzucco commended Captain Mahoney for the recent community meeting in the Ingleside District.

Commissioner DeJesus asked about election of officers and when rules say the election should be. Ms. Blits stated that Commission's Rules of Order have the rule about the election of officers and spoke about provision in the rules and its flexibility.

GOVERNMENT DOCUMENTS DEPT

SEP 20 2011

SAN FRANCISCO PUBLIC LIBRARY

Commissioner Kingsley stated that she would like to keep current officers until May of 2012.

Commissioner Mazzucco asked that this be calendared for September 7th.

d. **Commission Announcements, scheduling of items identified for consideration at future Commission meetings**

PUBLIC COMMENT

Emile Lawrence spoke in regards to the use of microphone by the Commissioners and stated that the discussion was difficult to follow and suggested the public comment should be transcribed verbatim.

Clyde stated that the SFGov website has the verbatim transcripts.

Ray Hartz spoke in regards to reports provided to the Commission and submitted a 150-word document to be included in the minutes: "A recent discussion of the Police Commission had two members advocating setting goals with the new Police Chief. Other members, one in particular, said that would not be a good idea because it would be micromanaging the department. Simply agreeing on objectives is not micromanaging! Telling the Chief how to achieve those objectives would be. The real reason, unspoken, is so members of the public will not know the criteria used to evaluate the Chief's performance and, more critically, will not be able to decide if those criteria had been met by comparing objectives with outcomes. It not only protects the Chief, but, it also prevents the public from evaluating whether the Commission is carrying out their responsibilities to oversee the operations of the SFPD. It also protects the Police Commission, whose performance could be evaluated as to whether their selection of the Chief was a good one."

PUBLIC COMMENT ON ALL MATTERS PERTAINING TO CLOSED SESSION

Ray Hartz spoke in regards to closed session discussions by the Commission and not reporting discussions to the public. "Too many of the Police Commission functions are conducted in secret. It spends a significant portion, if not a majority of its time, in closed session. It consistently votes to "not disclose" discussion or outcomes of the closed sessions. The President of the Commission made the rather specious argument that the public learns the outcomes when indictments are issued by the District Attorney. The problem: indictments are seldom issued. To protect the reputation of the department, offenders are allowed to retire or resign, settling the matter out of sight of the public. Whether "politics" plays a part is also hidden, with some officers perhaps facing charges because they are "out of favor," while others commit the same offenses perhaps facing charges because they are "out o f favor," while others commit the same offenses and are not charged. Why should members of the public have confidence the "secret hearings" are being conducted in a fair way and to the overall betterment of the SFPD?"

VOTE ON WHETHER TO HOLD CLOSED SESSION

Motion by Commissioner Marshall, second by Commissioner Kingsley. Approved 7-0.

CLOSED SESSION (6:37 p.m. – 8:00 p.m.)

a. **PERSONNEL EXCEPTION: Discussion and possible action to accept or reject Stipulated Disposition of disciplinary charges filed in Case No. IVF C10-219** (PRESENT: Commissioners Mazzucco, Marshall, DeJesus, Chan, Kingsley, Slaughter, Turman, Lieutenant Falvey, Risa Tom, Chief Suhr, Commander Tomioka, Deputy City Attorney Blits, Attorney Hechler, Attorney Stiglich, Mr. Steve Johnson, member involved.) (Resolution 11-60)

Motion by Commissioner Slaughter, second by Commissioner Kingsley to accept stipulated agreement. Approved 7-0.

(Taken in shorthand form by Ms. Eastellar Bruihl, CSR)

b. **PERSONNEL EXCEPTION: Discussion and possible action to determine and impose penalty on sustained specifications filed in Case Nos. JWA C09-128 and JWA C10-046, heard on March 16, 2011**

(PRESENT: Commissioners Mazzucco, Marshall, DeJesus, Chan, Kingsley, Slaughter, Lieutenant Falvey, Risa Tom, Chief Suhr, Commander Tomioka, Deputy City Attorney Blits, Attorney Hechler, Attorney Stiglich, Mr. Steve Johnson, member involved, and member's fiancé) (Resolution 11-37)

Motion by Commissioner DeJesus to recuse Commissioner Turman, second by Commissioner Mazzucco. Approved 6-0.

(Taken in shorthand form by Ms. Eastellar Bruihl, CSR.)

c. **PUBLIC EMPLOYEE PERFORMANCE EVALUATION: Chief of Police Review of findings and decision to return officer to duty following officer-involved shooting (OIS Case No. 11-003)** Taken out of order

(PRESENT: Commissioners Mazzucco, Marshall, Chan, Kingsley, Slaughter, Turman, Lieutenant Falvey, Risa Tom, Chief Suhr, Commander Tomioka, City Attorney Blits, Lieutenant Yick, Sergeant Juarez, Inspector Nevin)

d. **Pursuant to Government Code Section 54957(b)(1) and San Francisco Administrative Code Section 67.10(b) and Penal Code Section 832.7: PERSONNEL EXCEPTION: Status and calendaring of pending disciplinary cases**

No discussion.

VOTE TO ELECT WHETHER TO DISCLOSE ANY OR ALL DISCUSSION HELD IN CLOSED SESSION

Motion by Commissioner Slaughter, second by Commissioner Kingsley for non disclosure. Approved 7-0.

ADJOURNMENT

Motion by Commissioner Marshall, second by Commissioner Kingsley. Approved 7-0.

Thereafter, the meeting was adjourned at 8:20 p.m.

_____

Lieutenant Timothy Falvey
Secretary
San Francisco Police Commission

1071/rct

July 13, 2011

Thomas Mazzucco
President

Dr. Joe Marshall
Vice President

Petra DeJesus
Commissioner

James T. Hammer
Commissioner

Angela Chan Commissioner

Carol Kingsley
Commissioner

R. James Slaughter Commissioner

Lt. Timothy Falvey
Secretary

SAN FRANCISCO POLICE COMMISSION

SAN FRANCISCO POLICE COMMISSION AGENDA

REGULAR MEETING

WEDNESDAY, JULY 13, 2011

5:30 p.m.

City Hall, Room 400

#1 Dr. Carlton B. Goodlett Place

San Francisco, California

GOVERNMENT
DOCUMENTS DEPT

DEC 23 2013

SAN FRANCISCO
PUBLIC LIBRARY

Pledge of Allegiance; Roll Call

1. **General Public Comment**

(The public is now welcome to address the Commission regarding items that do not appear on tonight's age but that are within the subject matter jurisdiction of the Commission. Speakers shall address their rema the Commission as a whole and not to individual Commissioners or Department or OCC personnel. Unde Police Commission Rules of Order, during public comment, neither Police or OCC personnel, nor Commissioners are required to respond to questions presented by the public but, may provide a brief resp Individual Commissioners and Police and OCC personnel should refrain, however, from entering into an debates or discussion with speakers during public comment. Please limit your comments to three (3) mi

2. **Reports and Announcements**

   a. **Chief's report (DISCUSSION)**

- Report on crime statistics
- Review of recent activities

b. OCC Director's report (DISCUSSION)

- Review of recent activities

c. Commission reports (DISCUSSION)

- Commission President's report
- Commissioners' reports

d. Commission announcements and scheduling of items identified for consideration at futu Commission meetings (ACTION)

3. Public comment on all matters pertaining to Item 5 below, Closed Session – Disciplinary Cases, includin public comment on vote whether to hold Item5 in closed session.

4. Vote on whether to hold Item 5 in Closed Session (ACTION)

5. Closed Session – Disciplinary Cases

Roll Call;

a. Pursuant to Government Code Section 54957 and San Francisco Administrative Code Section 67.1 and Penal Code Section 832.7:

PERSONNEL EXCEPTION: Discussion and possible action to take off calendar indefinitely the disciplinary charges filed in Case No. JWA C11-081. Member involved retired from the Department, e July 1, 2011. Said disciplinary

charges will be placed back on calendar should said member be within the jurisdiction of the Police Commission in the future (ACTION ITEM)

b. Pursuant to Government Code Section 54957 and San Francisco Administrative Code Section 67.10 and Penal Code Section 832.7:

PERSONNEL EXCEPTION: Discussion and possible action to accept or reject Stipulation regardi disposition of pending appeal from Chief's decision before the Police Commission filed in Case DRA R10-109 (ACTION)

c. Pursuant to Government Code Section 54957 and San Francisco Administrative Code Section 67.10 Penal Code Section 832.7:

PERSONNEL EXCEPTION: Discussion and possible action to sustain or not sustain disciplinary charges filed in Case No. IVF C09-087, and to decide penalty, if necessary (ACTION)

d. Pursuant to Government Code Section 54957 and San Francisco Administrative Code SectioN 67.1 and Penal Code Section 832.7:

PERSONNEL EXCEPTION: Discussion and possible action to sustain or not sustain disciplinary charges filed in Case No. IVF C09-088, and to decide penalty, if necessary (ACTION)

e. Pursuant to Government Code Section 54957(b)(1) and San Francisco Administrative Code Section 67.10(b) and Penal Code Section 832.7:

PERSONNEL EXCEPTION: Status and calendaring of pending disciplinary cases (DISCUSSION A

POSSIBLE ACTION)

(OPEN SESSION) Roll Call.

6. Vote to elect whether to disclose any or all discussion on Item 5 held in closed session (San Francisco Administrative Code Section 67.12(a)) (ACTION)

7. Adjournment (ACTION ITEM)

** SUPPORTING DOCUMENTATION FOR POLICE COMMISSION AGENDA ITEMS THAT ARE NOT CONFIDENTIAL AND DOCUMENTATION THAT HAVE BEEN DISTRIBUTED TO THE COMMISSION AFT DISTRIBUTION OF THE AGENDA PACKETS ARE AVAILABLE FOR REVIEW AT THE POLICE COMMISS OFFICE, THOMAS J. CAHILL HALL OF JUSTICE, 850 BRYANT STREET, ROOM 505, SAN FRANCISCO, C 94103, DURING NORMAL BUSINESS HOURS

City and County of San Francisco ©2000-2013

JULY 13, 2011 REGULAR MEETING

The Police Commission of the City and County of San Francisco met in Room 400, City Hall, #1 Dr. Carlton B. Goodlett Place, San Francisco, at 5:35 p.m.

PRESENT: Commissioners Mazzucco, Marshall, Chan, Kingsley, Slaughter, Turman
ABSENT: Commissioner DeJesus

PUBLIC COMMENT

Jakkee Bryson commended the SFPD for handling of the Pride impromptu rave that happened on Sunday and commended officers of Southern Station for extra passing calls and citing bicyclists for riding on the sidewalk. She also commended Captain Lazar, Jerry Darcy, and Captain Garrity.

Mr. Harrison spoke in regards to the homicide of his brother, Charles Harrison, and stated that the family has not been contacted for an update.

Dorothy Peterson spoke in regards to a homicide in her development two years ago and receiving a phone call that she will be called in as a witness by the defense.

Unidentified spoke in regards to filing a complaint against an officer and reading a Chronicle article about the same officer beating another victim and concerns regarding getting personnel information about the officer.

Barbara Growth discussed concerns about the psychiatric profession.

REPORTS AND ANNOUNCEMENTS

a. **Chief's Report**
- **Report on crime statistics**
- **Review of recent activities**

Chief Suhr gave a brief report on crime statistics and talked about the POA vote to accept renegotiation of the contract. The Chief also talked about the PAL graduation and the Tenderloin Station staffing.

b. **OCC Director's Report**
- **Review of recent activities**

Director Hicks presented the OCC's monthly comprehensive statistical report and companion reports for the periods of January 1, 2011 through June 30, 2011 and January 1, 2010 through June 30, 2010.

c. **Commission Reports**
- **Commission President's Report**
- **Commissioners' Reports**

Commissioner Mazzucco has no report.

Commissioner Chan reported that she will going on a ride-along in the Tenderloin.

Commissioner Turman spoke in regards to attending the monthly meeting of the Alice B. Toklus Club where the Chief and the command staff addressed the membership of the club and stated that it was an informative evening and commended the Chief and members of the command staff who attended.

d. **Commission Announcements, scheduling of items identified for consideration at future Commission meetings**

Commissioner Chan would like to address officers' needs in regards to trauma or mental health concerns for the officers. Commissioner Chan would like a presentation from the Department, under the Chief's Report, on July 27th.

Commissioner Mazzucco stated that he would like to hear from the department and the officers in regards to this topic.

GOVERNMENT DOCUMENTS DEPT
SEP 20 2011
SAN FRANCISCO PUBLIC LIBRARY

Commissioner Kingsley would like to address the Commission's priorities. Commissioner Kingsley also would like to calendar the item from the City Attorney for closed session. Commissioner Kingsley would also like an item in regards to a personnel matter to be calendared at a future meeting for closed session.

PUBLIC COMMENT

Barbara Growth discussed concerns.

PUBLIC COMMENT ON ALL MATTERS PERTAINING TO CLOSED SESSION

None

VOTE ON WHETHER TO HOLD CLOSED SESSION

Motion by Commissioner Marshall, second by Commissioner Kingsley. Approved 6-0.

CLOSED SESSION (6:20 p.m. – 10:15 p.m.)

a. **PERSONNEL EXCEPTION: Discussion and possible action to take off calendar indefinitely the disciplinary charges filed in Case No. JWA C11-081. Member involved retired from the Department, effective July 1, 2011. Said disciplinary charges will be placed back on calendar should said member be within the jurisdiction of the Police Commission in the future** (Resolution No. 11-62)

(PRESENT: Commissioners Mazzucco, Marshall, Chan, Kingsley, Slaughter, Turman, Lieutenant Falvey, Risa Tom, Deputy City Attorney Blits, Chief Suhr, Commander Tomioka, Director Hicks, Mr. Steve Johnson, Attorney Fraenkel, OCC Intern Ellis)

b. **PERSONNEL EXCEPTION: Status update regarding disciplinary charges filed in Case No. ALW C10-241**

(PRESENT: Commissioners Mazzucco, Marshall, Chan, Kingsley, Slaughter, Turman, Lieutenant Falvey, Risa Tom, Deputy City Attorney Blits, Chief Suhr, Commander Tomioka, Director Hicks, Mr. Steve Johnson, Attorney Fraenkel, OCC Intern Ellis)

For calendar on July 27th.

c. **PERSONNEL EXCEPTION: Discussion and possible action to accept or reject stipulation regarding disposition of pending appeal from Chief's decision before the Police Commission** (Resolution No. 11-63)

(PRESENT: Commissioners Mazzucco, Marshall, Chan, Kingsley, Slaughter, Turman, Lieutenant Falvey, Risa Tom, Deputy City Attorney Blits, Chief Suhr, Commander Tomioka, Director Hicks, Mr. Steve Johnson, Attorney Fraenkel)

Motion by Commissioner Slaughter, second by Commissioner Kingsley. Approved 6-0.

(Taken in shorthand form by Ms. Eastellar Bruihl, CSR.)

d. **PERSONNEL EXCEPTION: Discussion and possible action to sustain or not sustain disciplinary charges filed in Case No. IVF C09-087, and to decide penalty, if necessary** (Resolution No. 11-61)

and

e. **PERSONNEL EXCEPTION: Discussion and possible action to sustain or not sustain disciplinary charges filed in Case No. IVF C09-087, and to decide penalty, if necessary** (Resolution No. 11-64)

(PRESENT: Commissioners Mazzucco, Marshall, Chan, Kingsley, Slaughter, Turman, Lieutenant Falvey, Risa Tom, Deputy City Attorney Blits, Chief Suhr, Director Hicks, Mr. Steve Johnson, Attorney Fraenkel, OCC Intern Ellis, Attorney Fortes, Attorney Nicco, Attorney Brass, and members involved)

(Taken in shorthand form by Ms. Eastellar Bruihl, CSR.)

f. **PERSONNEL EXCEPTION: Status and calendaring of pending disciplinary cases** (PRESENT: Commissioners Mazzucco, Marshall, Chan, Kingsley, Slaughter, Turman, Lieutenant Falvey, Risa Tom, Deputy City Attorney Blits, Chief Suhr, Commander Tomioka)

(The Commission took a break from 9:00 p.m. to 9:10 p.m.)

VOTE TO ELECT WHETHER TO DISCLOSE ANY OR ALL DISCUSSION HELD IN CLOSED SESSION

Motion by Commissioner Kingsley, second by Commissioner Slaughter for non disclosure. Approved 6-0.

PUBLIC COMMENT

None

ADJOURNMENT

Motion by Commissioner Marshall, second by Commissioner Chan. Approved 6-0

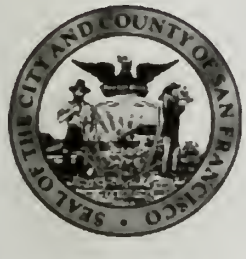
Thereafter, the meeting was adjourned at 10:15 p.m.

_____

Lieutenant Timothy Falvey
Secretary
San Francisco Police Commission

1071/rct

July 20, 2011 (No Meeting Notice)



Thomas Mazzucco
President

Dr. Joe Marshall
Vice President

Petra DeJesus
Commissioner

James T. Hammer
Commissioner

Angela Chan Commissioner

Carol Kingsley
Commissioner

R. James Slaughter Commissioner

Lt. Timothy Falvey
Secretary

SAN FRANCISCO POLICE COMMISSION

SAN FRANCISCO POLICE COMMISSION AGENDA

No Meeting Notice

WEDNESDAY, July 20, 2011

CITY HALL, ROOM 400

#1 Dr. Carlton B. Goodlett Place

San Francisco, California

The Police Commission will not meet on **Wednesday, July 20, 2011.**

Please join the Commission at its next meeting on

Wednesday, July 27, 2011

at 5:30 p.m.

City Hall, Room 400

San Francisco

GOVERNMENT
DOCUMENTS DEPT

DEC 23 2013

SAN FRANCISCO
PUBLIC LIBRARY

City and County of San Francisco ©2000-2013

July 27, 2011 - Notice of Cancellation of Meeting

SAN FRANCISCO POLICE COMMISSION

SAN FRANCISCO POLICE COMMISSION AGENDA

NOTICE OF CANCELLATION OF MEETING

WEDNESDAY, JULY 27, 2011

Thomas Mazzucco
President

Dr. Joe Marshall
Vice President

Petra DeJesus
Commissioner

James T. Hammer
Commissioner

Angela Chan Commissioner

Carol Kingsley
Commissioner

R. James Slaughter Commissioner

Lt. Timothy Falvey
Secretary

The Police Commission Meeting scheduled for Wednesday, July 27, 2011 has been cancelled due to lack of quo
Please join the Commission at its next meeting on Wednesday, August 3, 2011, at 5:30 p.m., in Room 400, City H

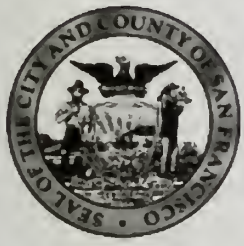
City and County of San Francisco ©2000-2013

GOVERNMENT
DOCUMENTS DEPT

DEC 23 2013

SAN FRANCISCO
PUBLIC LIBRARY

August 3, 2011



Thomas Mazzucco
President

Dr. Joe Marshall
Vice President

Petra DeJesus
Commissioner

James T. Hammer
Commissioner

Angela Chan Commissioner

Carol Kingsley
Commissioner

R. James Slaughter Commissioner

Lt. Timothy Falvey
Secretary

SAN FRANCISCO POLICE COMMISSION

SAN FRANCISCO POLICE COMMISSION AGENDA

REGULAR MEETING

WEDNESDAY, AUGUST 3, 2011

5:30 p.m.

City Hall, Room 400

#1 Dr. Carlton B. Goodlett Place

San Francisco, California

GOVERNMENT
DOCUMENTS DEPT

DEC 23 2013

SAN FRANCISCO
PUBLIC LIBRARY

Pledge of Allegiance; Roll Call

1. **Consent Calendar (RECEIVE & FILE; ACTION)**
   - **Police Commission Report of Disciplinary Actions, 2nd Quarter 2011**
   - **Secure Communities Monthly Audit: March through April 2011; May through June 2011**

2. **General Public Comment**

   (The public is now welcome to address the Commission regarding items that do not appear on tonight's age but that are within the subject matter jurisdiction of the Commission. Speakers shall address their rema the Commission as a whole and not to individual Commissioners or Department or OCC personnel. Unde Police Commission Rules of Order, during public comment, neither Police or OCC personnel, nor

Commissioners are required to respond to questions presented by the public but, may provide a brief resp Individual Commissioners and Police and OCC personnel should refrain, however, from entering into an debates or discussion with speakers during public comment. Please limit your comments to three (3) mi

3. **Reports and Announcements**

a. **Chief's report (DISCUSSION)**

- **Presentation of Certificate of Appreciation**
- **Report on crime statistics**
- **Review of recent activities**
- **Presentation of the 2nd Quarter 2011 FDRB Findings & Recommendations - Presentation of the OIS Investigation Status Summary**
- **Presentation re: Resources available to officers exposed to traumatic incidents**

b. **OCC Director's report (DISCUSSION)**

- **Review of recent activities**

c. **Commission reports (DISCUSSION)**

- **Commission President's report**
- **Commissioners' reports**

d. **Commission announcements and scheduling of items identified for consideration at fut Commission meetings (ACTION)**

4. **Presentation re: The Ambassador Program (DISCUSSION)**

5. **Public comment on all matters pertaining to Item 7 below, Closed Session – including public comment or whether to hold Item 7 in closed session.**

6. **Vote on whether to hold Item 7 in Closed Session (ACTION)**

7. **Closed Session**

Roll Call;

a. **Pursuant to Government Code Section 54957 and San Francisco Administrative Code Section 67.10(b) and Penal Code Section 832.7:**

PUBLIC EMPLOYEE PERFORMANCE EVALUATION: Chief of Police

Review of findings and decision to return officer to duty following officer- involved shooting (OIS C No. 11-004) (DISCUSSION ONLY)

b. **Pursuant to Government Code Section 54957 and San Francisco Administrative Code Section 67.10(b) and Penal Code Section 832.7:**

PERSONNEL EXCEPTION: Discussion and possible action to adopt Proposed Findings of Fact an on related motions filed in Case No. JCT D06-173, heard on December 6, 2010 (ACTION)

c. Pursuant to Government Code Section 54957 and San Francisco Administrative Code Section 67.10(b) and Penal Code Section 832.7:

PERSONNEL EXCEPTION: Discussion and possible action to take off calendar indefinitely the disciplinary charges filed in Case No. JWA C10-145. Member involved is no longer employed by Department, effective July 14, 2011. Said disciplinary charges will be placed back on calendar s said member be within the jurisdiction of the Police Commission in the future (ACTION ITEM)

d. Pursuant to Government Code Section 54957 and San Francisco Administrative Code Section 67.10(b) and Penal Code Section 832.7:

PERSONNEL EXCEPTION: Assignment of amended disciplinary charges filed in Case No. JWA C11-c an individual Commissioner for the taking of evidence on a date to be determined by the Commissioner (ACTION)

e. Pursuant to Government Code Section 54957 and San Francisco Administrative Code Sectior 67.10(b) and Penal Code Section 832.7:

PERSONNEL EXCEPTION: Status update regarding disciplinary charges filed in Case no. ALW C1 (ACTION)

f. Pursuant to Government Code Section 54957(b)(1) and San Francisco Administrative Code Sec 67.10(b) and Penal Code Section 832.7:

PERSONNEL EXCEPTION: Status and calendaring of pending disciplinary cases (DISCUSSION A POSSIBLE ACTION)

(OPEN SESSION) Roll Call.

8. Vote to elect whether to disclose any or all discussion on Item 7 held in closed session (San Francisco Administrative Code Section 67.12(a)) (ACTION)

9. Adjournment (ACTION ITEM)

** SUPPORTING DOCUMENTATION FOR POLICE COMMISSION AGENDA ITEMS THAT ARE NOT CONFIDENTIAL AND DOCUMENTATION THAT HAVE BEEN DISTRIBUTED TO THE COMMISSION AFT DISTRIBUTION OF THE AGENDA PACKETS ARE AVAILABLE FOR REVIEW AT THE POLICE COMMISS OFFICE, THOMAS J. CAHILL HALL OF JUSTICE, 850 BRYANT STREET, ROOM 505, SAN FRANCISCO, C 94103, DURING NORMAL BUSINESS HOURS

City and County of San Francisco ©2000-2013

AUGUST 3, 2011 **REGULAR MEETING**

The Police Commission of the City and County of San Francisco met in Room 400, City Hall, #1 Dr. Carlton B. Goodlett Place, San Francisco, at 5:40 p.m.

PRESENT: Commissioners Mazzucco, Marshall, Chan, Kingsley
ABSENT: Commissioner DeJesus, Slaughter, Turman

CONSENT CALENDAR

- Police Commission Report of Disciplinary Actions, 2nd Quarter 2011
- Secure Communities Monthly Audit: March through April 2011; May through June 2011

Commissioner Chan asked that the S Comm report be put over to another date.

PUBLIC COMMENT
None

Motion by Commissioner Marshall, second by Commission Chan. Approved 4-0.

PUBLIC COMMENT

Clyde thanked the Commissioners in regards to the disciplinary cases.

Emile Lawrence talked about events that happened over the next few weeks and talked about the officer-involved shooting in the Bayview and commended the Chief for his handling of this matter. He went on to talk about recourse for cab drivers when customers do not pay fares and asked that this matter be addressed.

Daniel Paez spoke of why he comes to Commission meetings and police reform.

Bobby Jones spoke in regards to the Bayview shooting incident and training in regards to who is in the line of fire and asked that the Commission review the training manual when officers use their firearms.

PRESENTATION RE: THE AMBASSADOR PROGRAM

Commissioner Marshall spoke of the Ambassador Program and how it came about and introduced Adrienne Pon, Executive Director of the Office of Civic Engagement & Immigrant Affairs. Director Pon then went on to talk about the Ambassador Program.

PUBLIC COMMENT

Emile Lawrence suggested having a badge that states what community the ambassadors represent and stated that this is a great program.

REPORTS AND ANNOUNCEMENTS

a. **Chief's Report**

- **Presentation of Certificate of Appreciation**
- **Report on crime statistics**
- **Review of recent activities**
- **Presentation of the 2nd Quarter 2011 FDRB Findings & Recommendations**
- **Presentation of the OIS Investigation Status Summary**
- **Presentation re: Resources available to officers exposed to traumatic incidents**

Chief Suhr announced that the certificate of appreciation was presented to the individual but was done in private due to safety reasons. Captain Mannix gave a brief summary of the incident.

Chief Suhr went on to give a brief report on recent crime statistics and spoke about recent officer-involved shooting in the Bayview.

Commissioner Mazzucco would like a presentation in regards to crime statistics.

Sergeant Martha Juarez presented the 2nd Quarter 2011 FDRB Findings & Recommendations and the OIS Investigation Status Summary.

GOVERNMENT DOCUMENTS DEPT
SEP 20 2011
SAN FRANCISCO PUBLIC LIBRARY

Sergeant Mary Dunnigan presented the report in regards to resources available to officers exposed to traumatic incidents.

b. **OCC Director's Report**
- **Review of recent activities**

Director Hicks talked about participating in the National Night Out events around the city.

c. **Commission Reports**
- **Commission President's Report**
- **Commissioners' Reports**

Commissioner Mazzucco thanked the Chief for his leadership.

Commissioner Marshall talked about the Bayview meeting and commended the Chief on how he handled the situation.

Commissioner Kingsley talked about attending the National Night Out events in the Taraval District.

Commissioner Chan talked about her ride-along in the Tenderloin District and commended the two officers she rode along with. She also talked about the Department of Justice Community Oriented Community Policing conference in Washington, D.C.

d. **Commission Announcements, scheduling of items identified for consideration at future Commission meetings**

Lt. Falvey announced that the Commission will meet in the Richmond District on August 31st.

Commissioner Chan would like the S-Comm report back on the calendar and asked that the BSU matter be on the calendar on September 14th.

Commissioner Kingsley would like to talk about the priority list which will be discussed on August 10th.

PUBLIC COMMENT

Emile Lawrence talked about officers that committed suicide and asked if there is a counseling line for these officers and if the department keeps statistics on officers who committed suicide and stated that there should be a discussion in terms on what happened to these officers.

PUBLIC COMMENT ON ALL MATTERS PERTAINING TO CLOSED SESSION

None

VOTE ON WHETHER TO HOLD CLOSED SESSION

Motion by Commissioner Marshall, second by Commissioner Kingsley. Approved 4-0.

CLOSED SESSION (7:45 p.m. – 8:15 p.m.)

a. **PUBLIC EMPLOYEE PERFORMANCE EVALUATION: Chief of Police**
Review of findings and decision to return officer to duty following officer-involved shooting (OIS Case No. 11-004)

(PRESENT: Commissioners Mazzucco, Marshall, Chan, Kingsley, Lieutenant Falvey, Risa Tom, Chief Suhr, Commander Tomioka, Sgt. Nevin, Sgt. Juarez, Insp. Tomioka, Lt. Yick, Officer Yamaguchi)

b. **PERSONNEL EXCEPTION: Discussion and possible action to adopt Proposed Findings of Fact and rule on related motions filed in Case No. JCT D06-173, heard on December 6, 2010**

(PRESENT: Commissioners Mazzucco, Marshall, Chan, Kingsley, Lieutenant Falvey, Risa Tom, Chief Suhr, Commander Tomioka, Attorney Worsham, Mr. Steve Johnson)

Put over to August 17th.

c. **PERSONNEL EXCEPTION: Discussion and possible action to accept to take off calendar indefinitely the disciplinary charges filed in Case No. JWA C10-145. Member involved is no longer employed by the Department, effective July 14, 2011. Said disciplinary charges will be placed back on calendar should said member be within the jurisdiction of the Police Commission in the future.** (Resolution No. 11-65)

(PRESENT: Commissioners Mazzucco, Marshall, Chan, Kingsley, Lieutenant Falvey, Risa Tom, Chief Suhr, Commander Tomioka, Attorney Worsham, Mr. Steve Johnson)

Motion by Commissioner Chan, second by Commissioner Kingsley. Approved 4-0.

d. **PERSONNEL EXCEPTION: Assignment of amended disciplinary charges filed in Case No. JWA C11-001, to an individual Commissioner for the taking of evidence on a date to be determined by the Commissioner** (Resolution No. 11-66)

(PRESENT: Commissioners Mazzucco, Marshall, Chan, Kingsley, Lieutenant Falvey, Risa Tom, Chief Suhr, Commander Tomioka, Attorney Worsham, Mr. Steve Johnson)

e. **PERSONNEL EXCEPTION: Status update regarding disciplinary charges filed in Case No. ALW C10-241**

(PRESENT: Commissioners Mazzucco, Marshall, Chan, Kingsley, Lieutenant Falvey, Risa Tom, Chief Suhr, Commander Tomioka, Attorney Worsham, Mr. Steve Johnson)

f. **PERSONNEL EXCEPTION: Status and calendaring of pending disciplinary cases**

(PRESENT: Commissioners Mazzucco, Marshall, Chan, Kingsley, Lieutenant Falvey, Risa Tom, Chief Suhr, Commander Tomioka)

VOTE TO ELECT WHETHER TO DISCLOSE ANY OR ALL DISCUSSION HELD IN CLOSED SESSION

Motion by Commissioner Kingsley, second by Commissioner Marshall for non disclosure. Approved 4-0.

PUBLIC COMMENT

None

ADJOURNMENT

Motion by Commissioner Kingsley, second by Commissioner Chan. Approved 4-0

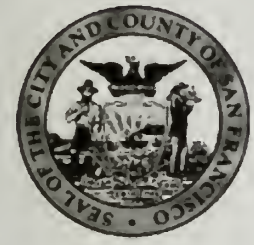
Thereafter, the meeting was adjourned at 8:20 p.m.

_____

Lieutenant Timothy Falvey
Secretary
San Francisco Police Commission

1071/rct

August 10, 2011



Thomas Mazzucco
President

Dr. Joe Marshall
Vice President

Petra DeJesus
Commissioner

James T. Hammer
Commissioner

Angela Chan Commissioner

Carol Kingsley
Commissioner

R. James Slaughter Commissioner

Lt. Timothy Falvey
Secretary

SAN FRANCISCO POLICE COMMISSION

SAN FRANCISCO POLICE COMMISSION AGENDA

REGULAR MEETING

WEDNESDAY, AUGUST 10, 2011

5:30 p.m.

City Hall, Room 400

#1 Dr. Carlton B. Goodlett Place

San Francisco, California

GOVERNMENT
DOCUMENTS DEPT

DEC 23 2013

SAN FRANCISCO
PUBLIC LIBRARY

Pledge of Allegiance; Roll Call

1. **General Public Comment**

(The public is now welcome to address the Commission regarding items that do not appear on tonight's age but that are within the subject matter jurisdiction of the Commission. Speakers shall address their rema the Commission as a whole and not to individual Commissioners or Department or OCC personnel. Unde Police Commission Rules of Order, during public comment, neither Police or OCC personnel, nor Commissioners are required to respond to questions presented by the public but, may provide a brief resp Individual Commissioners and Police and OCC personnel should refrain, however, from entering into an debates or discussion with speakers during public comment. Please limit your comments to three (3) mi

2. **Reports and Announcements**

a. Chief's report (DISCUSSION)

- Report on crime statistics
- Review of recent activities

b. OCC Director's report (DISCUSSION)

- Review of recent activities
- Presentation of the 2nd Quarter Statistical Report & the Monthly Comprehensive R for the period of January 1, 2011 through July 31, 2011

c. Commission reports (DISCUSSION)

- Commission President's report
- Commissioners' reports

d. Commission announcements and scheduling of items identified for consideration at futu Commission meetings (ACTION)

3. Discussion and possible action re: Priorities of the Commission with input from the public, Chief Suhr, a OCC Director Hicks (ACTION)

4. Public comment on all matters pertaining to Item 6 below, Closed Session – Disciplinary Cases, includin public comment on vote whether to hold Item 6 in closed session.

5. Vote on whether to hold Item 6 in Closed Session (ACTION)

6. Closed Session – Disciplinary Cases

Roll Call;

a. Pursuant to Government Code Section 54957 and San Francisco Administrative Code Section 67.10(b) and Penal Code Section 832.7:

PERSONNEL EXCEPTION: Receive and file written communication from the Chief of Police regardi Chief's withdrawal of charges filed in case no. ALW C10-241 (Receive and file)

b. Pursuant to Government Code Section 54957(b)(1) and San Francisco Administrative Code Secti 67.10(b) and Penal Code Section 832.7:

PERSONNEL EXCEPTION: Status and calendaring of pending disciplinary cases (DISCUSSION A POSSIBLE ACTION)

(OPEN SESSION) Roll Call.

7. Vote to elect whether to disclose any or all discussion on Item 6 held in closed session (San Francisco Administrative Code Section 67.12(a)) (ACTION)

8. Adjournment (ACTION ITEM)

**** SUPPORTING DOCUMENTATION FOR POLICE COMMISSION AGENDA ITEMS THAT ARE NOT CONFIDENTIAL AND DOCUMENTATION THAT HAVE BEEN DISTRIBUTED TO THE COMMISSION AFT DISTRIBUTION OF THE AGENDA PACKETS ARE AVAILABLE FOR REVIEW AT THE POLICE COMMISS OFFICE, THOMAS J. CAHILL HALL OF JUSTICE, 850 BRYANT STREET, ROOM 505, SAN FRANCISCO, C 94103, DURING NORMAL BUSINESS HOURS**

City and County of San Francisco ©2000-2013

AUGUST 10, 2011 REGULAR MEETING

The Police Commission of the City and County of San Francisco met in Room 400, City Hall, #1 Dr. Carlton B. Goodlett Place, San Francisco, at 5:35 p.m.

PRESENT: Commissioners Marshall, Chan, Kingsley, Turman
ABSENT: Commissioner Mazzucco, DeJesus, Slaughter

PUBLIC COMMENT

Jakkee Bryson thanked the Commission for having a meeting and allowing Chief Suhr and Director Hicks to be available to the public and requested that the Commission and the Chief come up with protocol in regards to the upcoming Folsom Street Fair.

Joyce, Cow Hollow Merchants Assoc., asked the Chief to be a guest speaker on September 12th from 6 to 8 p.m.

Jim Salinas spoke on behalf of the Latino Community to thank some of the commissioners for going to the Mission in regards to the chief search and went on to commend and congratulate Chief Suhr.

Emile Lawrence discussed concerns about the Police Officers' Association.

REPORTS AND ANNOUNCEMENTS

a. **Chief's Report**
- **Report on crime statistics**
- **Review of recent activities**

Chief Suhr gave a brief report on crime statistics and spoke about attending the closing of the Summer Project and the CYC opening in the Bayview. Chief Suhr also talked about the Avoid the Eight project and being granted the First in the State award.

b. **OCC Director's Report**
- **Review of recent activities**
- **Presentation of the 2nd Quarter Statistical Report & the monthly Comprehensive Report for the period of January 1, 2011 through July 31, 2011**

Director Hicks presented the 2nd Quarter Statistical Report and the monthly comprehensive statistical report.

c. **Commission Reports**
- **Commission President's Report**
- **Commissioners' Reports**

Commissioner Kingsley talked about attending the Force Options training at the Academy along with Commissioner Chan and recommended that all Commissioners should attend the training and went on to thank the Department for providing the training.

d. **Commission Announcements, scheduling of items identified for consideration at future Commission meetings**

Lt. Falvey announced that the Commission will meet in the Richmond District on the 31st of August at Roosevelt Middle School, 460 Arguello.

PUBLIC COMMENT

Emile Lawrence spoke in regards to the OCC's 2nd Quarter Statistical Report and talked about using journalist to do investigative work to help with the OCC and the department.

DISCUSSION AND POSSIBLE ATION RE: PRIORITIES OF THE COMMISSION WITH INPUT FROM THE PUBLIC, CHIEF SUHR, AND OCC DIRECTOR HICKS

Commissioner Kingsley presented the priority list. Commissioners Kingsley and Turman to work with Lt. Falvey in calendaring priorities..

PUBLIC COMMENT

GOVERNMENT DOCUMENTS DEPT
SEP 20 2011
SAN FRANCISCO PUBLIC LIBRARY

Patricia Boyd stated that she was disturbed by the nightclub violence especially in the Cow Hollow area and that police staffing is important.

Unidentified spoke in regards to racial profiling in the Bayview District and discussed concerns regarding police giving out excessive citations.

Emile Lawrence discussed concerns about the priorities of the Commission.

PUBLIC COMMENT ON ALL MATTERS PERTAINING TO CLOSED SESSION

None

VOTE ON WHETHER TO HOLD CLOSED SESSION

Motion by Commissioner Kingsley, second by Commissioner Chan. Approved 4-0.

CLOSED SESSION (7:00 p.m. – 7:15 p.m.)

a. **PERSONNEL EXCEPTION: Receive and file written communication from the Chief of Police regarding the Chief's withdrawal of charges filed in case no. ALW C10-241 (Received & filed)** (Resolution No. 11-67)
(PRESENT: Commissioners Marshall, Chan, Kingsley, Turman, Lieutenant Falvey, Risa Tom, Chief Suhr, Commander Tomioka, Deputy City Attorney Blits)

Taken off calendar

b. **PERSONNEL EXCEPTION: Status and calendaring of pending disciplinary cases**
(PRESENT: Commissioners Marshall, Chan, Kingsley, Turman, Lieutenant Falvey, Risa Tom, Chief Suhr, Commander Tomioka, Deputy City Attorney Blits)

VOTE TO ELECT WHETHER TO DISCLOSE ANY OR ALL DISCUSSION HELD IN CLOSED SESSION

Motion by Commissioner Chan, second by Commissioner Kingsley for non disclosure. Approved 4-0.

PUBLIC COMMENT
None

ADJOURNMENT

Motion by Commissioner Chan, second by Commissioner Kingsley. Approved 4-0

Thereafter, the meeting was adjourned at 7:15 p.m.

_____
Lieutenant Timothy Falvey
Secretary
San Francisco Police Commission

1071/rct

August 17, 2011

SAN FRANCISCO POLICE COMMISSION

SAN FRANCISCO POLICE COMMISSION AGENDA

REGULAR MEETING

WEDNESDAY, AUGUST 17, 2011

5:30 p.m.

City Hall, Room 400

#1 Dr. Carlton B. Goodlett Place

San Francisco, California

Thomas Mazzucco
President

Dr. Joe Marshall
Vice President

Petra DeJesus
Commissioner

James T. Hammer
Commissioner

Angela Chan Commissioner

Carol Kingsley
Commissioner

R. James Slaughter Commissioner

Lt. Timothy Falvey
Secretary

GOVERNMENT
DOCUMENTS DEPT

DEC 23 2013

SAN FRANCISCO
PUBLIC LIBRARY

Pledge of Allegiance; Roll Call

1. **Consent Calendar** (RECEIVE & FILE; ACTION)

- SFPD/OCC's 2nd Quarter Status Report of General Orders/Policy Proposals

2. **General Public Comment**

(The public is now welcome to address the Commission regarding items that do not appear on tonight's agenda but that are u the subject matter jurisdiction of the Commission. Speakers shall address their remarks to the Commission as a whole and no individual Commissioners or Department or OCC personnel. Under Police Commission Rules of Order, during public commen neither Police or OCC personnel, nor Commissioners are required to respond to questions presented by the public but, may pr brief response. Individual Commissioners and Police and OCC personnel should refrain, however, from entering into any deb discussion with speakers during public comment. Please limit your comments to three (3) minutes.)

3. **Reports and Announcements**

a. Chief's report (DISCUSSION)

- Review of recent activities

- First 100-day review by the Chief: Statistics, accomplishments, & plans

b. OCC Director's report (DISCUSSION)

- Review of recent activities

c. Commission reports (DISCUSSION)

- Commission President's report

- Commissioners' reports

d. Commission announcements and scheduling of items identified for consideration at future Commission meetings (ACTION)

4. Public comment on all matters pertaining to Item 6 below, Closed Session, including public comment on vote whether to hold in closed session.

5. Vote on whether to hold Item 6 in Closed Session (ACTION)

6. **Closed Session**

Roll Call;

a. Pursuant to Government Code Section 54957 and San Francisco Administrative Code Section 67.10(b) and Penal Code Secti 832.7:

PERSONNEL EXCEPTION: Discussion and possible action to adopt Proposed Findings of Fact and rule on related motions Case No. JCT D06-173, heard on December 6, 2010 (ACTION)

b. Pursuant to Government Code Section 54957 and San Francisco Administrative Code Section 67.10(b) and Penal Code S 832.7:

PERSONNEL EXCEPTION: Discussion and possible action to accept or reject Stipulated Agreement filed in Case No. JWA (ACTION ITEM)

c. Pursuant to Government Code Section 54957 and San Francisco Administrative Code Section 67.10(b) and Penal Code Sectio

PERSONNEL EXCEPTION: Discussion and possible action to accept or reject Stipulated Agreement filed in Case No. IVF C (ACTION ITEM)

d. Pursuant to Government Code Section 54957 and San Francisco Administrative Code Section 67.10(b) and Penal Code Secti 832.7:

PERSONNEL EXCEPTION: Discussion and possible action to accept or reject Stipulated Agreement filed in Case No. IVF C (ACTION ITEM)

e. Pursuant to Government Code Section 54957(b)(1) and San Francisco Administrative Code Section 67.10(b) and Penal Code S 832.7:

PERSONNEL EXCEPTION: Status and calendaring of pending disciplinary cases (DISCUSSION AND POSSIBLE ACTION

(OPEN SESSION) Roll Call.

7. Vote to elect whether to disclose any or all discussion on Item 6 held in closed session (San Francisco Administrative Code Sec 67.12(a)) (ACTION)

8. **Adjournment** (ACTION ITEM)

**** SUPPORTING DOCUMENTATION FOR POLICE COMMISSION AGENDA ITEMS THAT ARE NOT CONFIDE AND DOCUMENTATION THAT HAVE BEEN DISTRIBUTED TO THE COMMISSION AFTER DISTRIBUTION O AGENDA PACKETS ARE AVAILABLE FOR REVIEW AT THE POLICE COMMISSION OFFICE, THOMAS J. CAH HALL OF JUSTICE, 850 BRYANT STREET, ROOM 505, SAN FRANCISCO, CA 94103, DURING NORMAL BUSI HOURS**

PLEASE NOTE: The Police Commission will be holding a Special Meeting this month at a location other than City Hall.

1. The Commission will meet in the Richmond District at Roosevelt Middle School, 460 Arguello, San Francisco, on Wednesday, 31, 2011, at 6 p.m., to hear comments from the public and Richmond Station Captain Keith Sanford concerning public protectio issues in the Richmond District

City and County of San Francisco ©2000-2013

AUGUST 17, 2011 **REGULAR MEETING**

The Police Commission of the City and County of San Francisco met in Room 400, City Hall, #1 Dr. Carlton B. Goodlett Place, San Francisco, at 5:35 p.m.

PRESENT: Commissioners Mazzucco, Marshall, DeJesus, Chan, Kingsley, Slaughter, Turman

(Commissioner DeJesus arrived at 5:56 p.m.; Commissioner Marshall arrived at 6:38 p.m.)

CONSENT CALENDAR (Received & Filed)
- **SFPD/OCC's 2nd Quarter Status Report of General Orders/Policy Proposals**

PUBLIC COMMENT
None

Motion by Commissioner Chan, second by Commissioner Kingsley. Approved 4-0.

PUBLIC COMMENT

Mr. John Crew, ACLU, addressed the Commission to correct some information that was given the Commission last week in regards to SFPD's participation in the Joint Terrorism Task Force. Mr. Crew stated that the statement by the Chief in regards to the Portland Resolution is incorrect. He went on to provide a copy of the resolution and a copy of a press release dated 4/28/11. Chief Suhr stated that his information came from Portland and will get clarification.

Ace Washington discussed profiling within the community and officers taking DNA swabs on the street and went on to discuss concerns regarding false arrests.

Shadam Mitchell discussed concerns about being falsely arrested and concerns about his rights not being read to him and about being in custody for five days without being informed of charges against him.

Mr. Harrison discussed concerns about the homicide investigation of his brother Charles Harrison.

Debray Carpenter discussed being arrested after being on TV criticizing the police and being held in custody for four days and stated that he is continually harassed by police officers in the Bayview.

Ms. Dubal, Asian Law Caucus, talked about the joint terrorism task force and how the community is pushing for a next step and that they will be discussion this issue with the Board of Supervisors.

Emile Lawrence discussed the OCC's 2nd Quarter report and stated that the report is not clear about officer's behavior.

Clyde discussed concerns about recent incidents involving the police.

REPORTS AND ANNOUNCEMENTS

a. Chief's Report
- **Review of recent activities**
- **First 100-day review by the Chief: Statistics, accomplishments, & plans**

Chief Suhr gave a brief report on the recent Outside Lands Festival in Golden Gate Park and commended the officers of Park and Richmond Stations.

Chief Suhr then went on to present his 100-day review including statistics, accomplishments, and future plans.

b. OCC Director's Report
- **Review of recent activities**

Chief Investigator Charles Galman for Director Hicks had no report.

c. Commission Reports
- **Commission President's Report**
- **Commissioners' Reports**

GOVERNMENT DOCUMENTS DEPT

DEC 23 2013

SAN FRANCISCO PUBLIC LIBRARY

Commissioner Mazzucco had no report.

d. Commission Announcements, scheduling of items identified for consideration at future Commission meetings

Commissioner Kingsley talked about testing for qualified applicants and what are the criteria and qualifications.

Commissioner Chan announced the on September 14th there will be an action item in regards to the Behavioral Science Unit. She would also like an item calendared in October in regards to Language Access, possibly October 5th, and DGO status report, possibly Otober 12th.

Commissioner DeJesus also asked about the JTTF Portland Resolution and the Chief stated that he will have Captain Murphy report to the Commission on September 7th.

Lieutenant Falvey announced that the Commission will meet in the Richmond District at Roosevelt Middle School, 460 Arguello, on August 31st, at 6 p.m.

PUBLIC COMMENT

Emile Lawrence spoke in regards to gay police officers and promotions in regards to sexual orientation.

PUBLIC COMMENT ON ALL MATTERS PERTAINING TO CLOSED SESSION

None

VOTE ON WHETHER TO HOLD CLOSED SESSION

Motion by Commissioner Marshall, second by Commissioner Chan. Approved 7-0.

CLOSED SESSION (7:22 p.m. – 8:20 p.m.)

a. PERSONNEL EXCEPTION: Discussion and possible action to adopt Proposed Findings of Fact and rule on related motions filed in Case No. JCT D06-173, heard on December 6, 2010

(PRESENT: Commissioners Marshall, Chan, Kingsley, Slaughter, Turman, Lieutenant Falvey, Chief Suhr, Commander Tomioka, Deputy City Attorney Blits, Attorney Alden, Attorney Lassart)

Motion by Commissioner Mazzucco to recuse him and Commissioner DeJesus, second by Commissioner Slaughter. Approved 7-0.

b. PERSONNEL EXCEPTION: Discussion and possible action to accept or reject Stipulated Agreement filed in Case No. JWA C11-037 (Resolution No. 11-68)

(PRESENT: Commissioners Mazzucco, Marshall, Chan, DeJesus, Kingsley, Slaughter, Turman, Lieutenant Falvey, Chief Suhr, Commander Tomioka, Deputy City Attorney Blits, Attorney Alden, Attorney Lassart)

c. PERSONNEL EXCEPTION: Discussion and possible action to accept or reject Stipulated Agreement filed in Case No. IVF C11-023 (Resolution No. 11-69)

(PRESENT: Commissioners Mazzucco, Marshall, Chan, DeJesus, Kingsley, Slaughter, Turman, Lieutenant Falvey, Chief Suhr, Commander Tomioka, Deputy City Attorney Blits, Attorney Fraenkel, Attorney Nicco, and member involved)

d. PERSONNEL EXCEPTION: Discussion and possible action to accept or reject Stipulated Agreement filed in Case No. IVF C11-024 (Resolution No. 11-70)

(PRESENT: Commissioners Mazzucco, Marshall, Chan, DeJesus, Kingsley, Slaughter, Turman, Lieutenant Falvey, Chief Suhr, Commander Tomioka, Deputy City Attorney Blits, Attorney Fraenkel, Mr. Steve Johnson)

e. **PERSONNEL EXCEPTION: Status and calendaring of pending disciplinary cases** (PRESENT: Commissioners Mazzucco, Marshall, Chan, DeJesus, Kingsley, Slaughter, Turman, Lieutenant Falvey, Deputy City Attorney Blits)

VOTE TO ELECT WHETHER TO DISCLOSE ANY OR ALL DISCUSSION HELD IN CLOSED SESSION

Motion by Commissioner Chan, second by Commissioner Kingsley for non disclosure. Approved 5-0.

PUBLIC COMMENT

None

ADJOURNMENT

Motion by Commissioner Turman, second by Commissioner Chan. Approved 5-0

Thereafter, the meeting was adjourned at 8:20 p.m.

_____

Lieutenant Timothy Falvey
Secretary
San Francisco Police Commission

1071/rct

August 24, 2011 (No Meeting Notice)

Thomas Mazzucco
President

Dr. Joe Marshall
Vice President

Petra DeJesus
Commissioner

James T. Hammer
Commissioner

Angela Chan Commissioner

Carol Kingsley
Commissioner

R. James Slaughter Commissioner

Lt. Timothy Falvey
Secretary

SAN FRANCISCO POLICE COMMISSION

SAN FRANCISCO POLICE COMMISSION AGENDA

No Meeting Notice

WEDNESDAY, August 24, 2011

CITY HALL, ROOM 400

#1 Dr. Carlton B. Goodlett Place

San Francisco, California

The Police Commission will not meet on **Wednesday, August 24, 2011**.

Please join the Commission at its next meeting on

Wednesday, August 31, 2011

at 6:00 p.m.

Richmond District

Roosevelt Middle School

460 Arguello

San Francisco

GOVERNMENT
DOCUMENTS DEPT

DEC 23 2013

SAN FRANCISCO
PUBLIC LIBRARY

Contact SFGov Accessibility Policies
City and County of San Francisco ©2000-2013

August 31, 2011

SAN FRANCISCO POLICE COMMISSION

SAN FRANCISCO POLICE COMMISSION AGENDA

REGULAR MEETING

WEDNESDAY, AUGUST 31, 2011

6:00 p.m.

Richmond District

Roosevelt Middle School

460 Arguello

San Francisco, California

Thomas Mazzucco
President

Dr. Joe Marshall
Vice President

Petra DeJesus
Commissioner

James T. Hammer
Commissioner

Angela Chan Commissioner

Carol Kingsley
Commissioner

R. James Slaughter Commissioner

Lt. Timothy Falvey
Secretary

Pledge of Allegiance; Roll Call

1. Reports to the Commission (DISCUSSION)
   a. Chief=s Report
      - Review of Recent Activities
   b. OCC Director=s Report
      - Review of Recent Activities
   c. Commission Reports
      - Commission President=s Report
      - Commissioners= Reports
   d. Commission announcements and scheduling of items identified for consideration at future

GOVERNMENT
DOCUMENTS DEPT

DEC 23 2013

SAN FRANCISCO
PUBLIC LIBRARY

Commission meetings (ACTION)

2. **Captain Keith Sanford, Commanding Officer of Richmond Station, to address the Commission on Police Activities in the Richmond District (DISCUSSION)**

3. **Public Comment**

   (The public is now welcome to address the Commission regarding items that do not appear on tonight's ag but that are within the subject matter jurisdiction of the Commission. Speakers shall address their rema the Commission as a whole and not to individual Commissioners or Department or OCC personnel. Unde Police Commission Rules of Order, during public comment, neither Police or OCC personnel, nor Commissioners are required to respond to questions presented by the public but, may provide a brief resp Individual Commissioners and Police and OCC personnel should refrain, however, from entering into an debates or discussion with speakers during public comment. Please limit your comments to three (3) mi

4. **Adjournment (ACTION)**

*** **SUPPORTING DOCUMENTATION FOR POLICE COMMISSION AGENDA ITEMS THAT ARE NOT CONFIDENTIAL AND DOCUMENTATION THAT HAVE BEEN DISTRIBUTED TO THE COMMISSION AFT DISTRIBUTION OF THE AGENDA PACKETS ARE AVAILABLE FOR REVIEW AT THE POLICE COMMISS OFFICE, THOMAS J. CAHILL HALL OF JUSTICE, 850 BRYANT STREET, ROOM 505, SAN FRANCISCO, C 94103, DURING NORMAL BUSINESS HOURS**

City and County of San Francisco ©2000-2013

AUGUST 31, 2011 **REGULAR MEETING**

The Police Commission of the City and County of San Francisco met in the Richmond District, Roosevelt Middle School, 450 Arguello, San Francisco, at 6:08 p.m.

PRESENT: Commissioners Mazzucco, Marshall, DeJesus, Chan, Kingsley, Slaughter, Turman

Commissioner Mazzucco welcomed the audience and asked the Commissioners to introduce themselves.

REPORTS AND ANNOUNCEMENTS

a. Chief's Report
- Review of recent activities

Deputy Chief Cashman, for Chief Suhr, talked about recent incident at the Niners/Raiders game and recent BART demos.

b. OCC Director's Report
- Review of recent activities

Director Hicks talked about the duties and responsibilities of the OCC.

c. Commission Reports
- Commission President's Report
- Commissioners' Reports

Commissioner Mazzucco deferred his time to Captain Sanford.

d. Commission Announcements, scheduling of items identified for consideration at future Commission meetings

PUBLIC COMMENT
None

CAPTAIN KEITH SANFORD, COMMANDING OFFICER OF RICHMOND STATION, TO ADDRESS THE COMMISSION ON POLICE ACTIVITIES IN THE RICHMOND DISTRICT

Captain Sanford presented a Certificate of Appreciation to Mr. Ernest Love then went on to talk about the demographics of Richmond District.

PUBLIC COMMENT

John Gray, resident, Co. G Steering Committee, discussed application for Patrol Special and stated that it's been a year and asked the Commission to urge the Chief to appoint him.

Jean Lynch, resident, commended Captain Sanford for responding to her concerns in regards to the community.

John discussed concerns stating that community groups cannot do the job of police officers and discussed attrition in the Department.

Bob Toomey, Fiona Ma's Office, thanked the Commission and thanked Captain Sanford for his work in the Richmond District.

ADJOURNMENT

Motion by Commissioner DeJesus, second by Commissioner Chan.
Approved 7-0

Thereafter, the meeting was adjourned at 7:39 p.m.

GOVERNMENT
DOCUMENTS DEPT

DEC 23 2013

SAN FRANCISCO
PUBLIC LIBRARY

Lieutenant Timothy Falvey
Secretary
San Francisco Police Commission

1071/rct

September 7, 2011

SAN FRANCISCO POLICE COMMISSION

SAN FRANCISCO POLICE COMMISSION AGENDA

REGULAR MEETING

WEDNESDAY, SEPTEMBER 7, 2011

5:30 p.m.

City Hall, Room 400

#1 Dr. Carlton B. Goodlett Place

San Francisco, California

Thomas Mazzucco
President

Dr. Joe Marshall
Vice President

Petra DeJesus
Commissioner

James T. Hammer
Commissioner

Angela Chan Commissioner

Carol Kingsley
Commissioner

R. James Slaughter Commissioner

Lt. Timothy Falvey
Secretary

GOVERNMENT
DOCUMENTS DEPT

DEC 23 2013

SAN FRANCISCO
PUBLIC LIBRARY

Pledge of Allegiance; Roll Call

1. **Consent Calendar** (RECEIVE & FILE; ACTION)

   - Request of the Chief of Police to accept tickets from the SF Giants for members of the Department who will be participati the 10th Anniversary of 9-11 Tribute on September 11, 2011, approximately 80 to 90 tickets

   - Request of the Chief of Police to accept donation, from The Police and Working K-9 Foundation, of vehicle heat sensor an conditioning systems for use of the SFPD K-9 Unit

2. **General Public Comment**

(The public is now welcome to address the Commission regarding items that do not appear on tonight's agenda but that are with subject matter jurisdiction of the Commission. Speakers shall address their remarks to the Commission as a whole and n individual Commissioners or Department or OCC personnel. Under Police Commission Rules of Order, during public co neither Police or OCC personnel, nor Commissioners are required to respond to questions presented by the public but, m provide a brief response. Individual Commissioners and Police and OCC personnel should refrain, however, from enteri any debates or discussion with speakers during public comment. Please limit your comments to three (3) minutes.)

3. **Reports and Announcements**

a. Chief's report (DISCUSSION)

- Review of recent activities

  - Update re: Joint Terrorism Task Force Portland Resolution

b. OCC Director's report (DISCUSSION)

- Review of recent activities

c. Commission reports (DISCUSSION)

- Commission President's report
- Commissioners' reports

d. Commission announcements and scheduling of items identified for consideration at future Commission meetings (ACTIO

4. Approval of the Awards Committee Recommendation (ACTION ITEM)

5. Election of Commission Officers (ACTION ITEM)

6. Public comment on all matters pertaining to Item 8 below, Closed Session – Disciplinary Cases, including public comment on whether to hold Item 8 in closed session.

7. Vote on whether to hold Item 8 in Closed Session (ACTION)

8. **Closed Session – Disciplinary Cases**

Roll Call;

a. Pursuant to Government Code Section 54957 and San Francisco Administrative Code Section 67.10(b) and Penal Code Sec 832.7:

PERSONNEL EXCEPTION: Assignment of disciplinary charges filed in Case No. RMF C11-189, to an individual Commis for the taking of evidence on a date to be determined by the Commissioner (DISCUSSION ONLY)

b. Pursuant to Government Code Section 54957 and San Francisco Administrative Code Section 67.10(b) and Penal (Section 832.7:

PERSONNEL EXCEPTION: Discussion and possible action to accept , reject, or take other action regarding a proposed Stipulate Agreement filed in Case No. ALW C08-181 (ACTION ITEM)

c. Pursuant to Government Code Section 54957(b)(1) and San Francisco Administrative Code Section 67.10(b) and Penal Cod Section 832.7:

PERSONNEL EXCEPTION: Status and calendaring of pending disciplinary cases (DISCUSSION AND POSSIBLE ACTI(

(OPEN SESSION) Roll Call.

9. Vote to elect whether to disclose any or all discussion on Item 8 held in closed session (San Francisco Administrative Code Secti 67.12(a)) (ACTION)

10. **Adjournment** (ACTION ITEM)

** **SUPPORTING DOCUMENTATION FOR POLICE COMMISSION AGENDA ITEMS THAT ARE NOT CONFIDENT AND DOCUMENTATION THAT HAVE BEEN DISTRIBUTED TO THE COMMISSION AFTER DISTRIBUTI THE AGENDA PACKETS ARE AVAILABLE FOR REVIEW AT THE POLICE COMMISSION OFFICE, THOM CAHILL HALL OF JUSTICE, 850 BRYANT STREET, ROOM 505, SAN FRANCISCO, CA 94103, DURING NORMAL BUSINESS HOURS**

City and County of San Francisco ©2000-2013

SEPTEMBER 7, 2011 **REGULAR MEETING**

The Police Commission of the City and County of San Francisco met in Room 400, City Hall, #1 Dr. Carlton B. Goodlett Place, San Francisco, at 5:40 p.m.

PRESENT: Commissioners Mazzucco, Marshall, Chan, Kingsley, Slaughter, Turman
ABSENT: Commissioner DeJesus

(Commissioner Turman arrived at 5:45 p.m.; Commissioner Kingsley arrived at 6:00 p.m.)

CONSENT CALENDAR (RECEIVED & FILED)

- Request of the Chief of Police to accept tickets from the SF Giants for members of the Department who will be participating in the 10th Anniversary of 9-11 Tribute on September 11, 2011, approximately 80 to 90 tickets

- Request of the Chief of Police to accept donation, from The Police and Working K-9 Foundation, of vehicle heat sensor and air conditioning systems for use of the SFPD K-9 Unit

Ms. Louise Tully, VP of K-9 Foundation, presented the donation.

PUBLIC COMMENT
None

GOVERNMENT DOCUMENTS DEPT
DEC 23 2013
SAN FRANCISCO PUBLIC LIBRARY

Motion by Commissioner Marshall, second by Commissioner Chan. Approved 4-0.

RESOLUTION NO. 11-71

APPROVAL TO ACCEPT TICKETS FROM THE SF GIANTS FOR MEMBERS OF THE DEPARTMENT WHO WILL BE PARTICIPATING IN THE 10TH ANNIVERSARY OF 9-11 TRIBUTE ON SEPTEMBER 11, 2011, APPROXIMATELY 80 TO 90 TICKETS

RESOLVED, that the Police Commission hereby approves the request of the Chief of Police to accept tickets from the SF Giants for members of the Department participating in the 10th Anniversary of 9-11 Tribute, on September 11, 2011, approximately 80 to 90 tickets.

AYES: Commissioners Mazzucco, Marshall, Chan, Slaughter
ABSENT: Commissioners DeJesus, Kingsley, Turman

RESOLUTION NO. 11-72

APPROVAL TO ACCEPT DONATION, FROM THE POLICE AND WORKING K-9 FOUNDATION, OF VEHICLE HEAT SENSOR AND AIR CONDITIONING SYSTEMS FOR USE OF THE SFPD K-9 UNIT

RESOLVED, that the Police Commission hereby approves the request of the Chief of Police to accept donation of vehicle heat sensor and air conditioning systems, from The Police and Working K-9 Foundation, for use of the SFPD K-9 Unit.

AYES: Commissioners Mazzucco, Marshall, Chan, Slaughter
ABSENT: Commissioners DeJesus, Kingsley, Turman

PUBLIC COMMENT

Mr. Harrison spoke in regards to the homicide of his brother and would like resolution.

Jakkee Bryson commended Officer Oryall for responding to her call for assistance and wanted to give her support for the Police Department in regards to the BART situation and commended the Department for extra passing calls on Dore Street.

Clyde commended Chief Suhr in regards to I-phone incident and commended Captain Orkes. He also talked about the need of officers for Tasers.

REPORTS AND ANNOUNCEMENTS

a. Chief's Report

- Review of recent activities

- Update re: Joint Terrorism Task Force Portland Resolution

Chief Suhr gave a brief report on crime statistics and talked about the Raider/49ers game incident. Chief Suhr also talked about recent homicides in the Mission District. He also talked about meeting with the POA in regards to community policing.

Chief Suhr also introduced Captain John Goldberg and Charles Higueres who presented the update in regards to the new public safety building.

Commander Biel presented the update in regards to the Joint Terrorism Task Force Portland Resolution.

b. OCC Director's Report

- Review of recent activities

Director Hicks introduced three new OCC investigators: Brent Bagen, Casey Green, and Carmen Malik.

c. Commission Reports

- Commission President's Report

- Commissioners' Reports

Commissioner Mazzucco thanked Captain Sanford for hosting the District Meeting in the Richmond District and thanked Officer Brophy for putting it together.

d. Commission Announcements, scheduling of items identified for consideration at future Commission meetings

Commissioner Mazzucco asked about scheduling of future community meetings. He suggested that going back to the Mission District.

PUBLIC COMMENT

Mr. John Crew, ACLU, addressed the confusion in regards to the Joint Terrorism Task Force and what was told to the Department and to the ACLU by the FBI and expressed concerns that the Department and the ACLU are being told different things.

Emile Laurence addressed the Commission in regards to the upcoming 9-11 anniversary and stated that there should be open communications with all levels of the military and public safety agencies in regards to a major emergency.

Tom Silhorst discussed the Controller's report in regards to the Patrol Special Program and asked the Commission to act on the Controller's recommendation.

APPROVAL OF THE AWARDS COMMITTEE RECOMMENDATION

Commissioner Slaughter introduced the Awards Committee recommendation as he attended the Awards Committee meeting and how gratifying it was to listen to the heroic actions by officers.

Motion by Commissioner Slaughter, second by Commissioner Kingsley. Approved 6-0.

PUBLIC COMMENT

None

Director Hicks requested that the OCC be sent the list before it comes before the full Commission.

RESOLUTION 11-73

AWARDS GRANTED TO MEMBERS OF THE POLICE DEPARTMENT

WHEREAS, the following named members of the Police Department are commended for courageous service under the provisions of General Order 3.09, Section I.A.1 of the San Francisco Police Department, as approved by the Awards Committee on August 15, 2011; and

WHEREAS, Chief of Police Gregory P. Suhr has recommended to the Police Commission that the said members be rewarded under the provisions of Section 8.405(a)(4) of the Charter of the City and County of San Francisco; and

RESOLVED, that Officer Kimberly Koltzoff is hereby awarded the Silver Medal of Valor and granted a reward of $1000.00, as provided for under said section of the Charter; and be it further

RESOLVED, that Officers Christina Hayes, Rodney Lane, and Charles August are hereby awarded Bronze Medals of Valor and granted rewards of $500.00 each, as provided for under said section of the Charter; and be it further

RESOLVED, that Sergeants Michael Nelson, James O'Malley, Katherine Schwarz-Choy, Officers Conroy Tam, Carlos Padilla, and Scott Biggs are hereby awarded the Meritorious Conduct Award and granted rewards of $200.00 each, as provided for under said section of the Charter.

AYES: Commissioners Marshall, Mazzucco, Chan, Kingsley, Slaughter
ABSENT: Commissioner DeJesus

ELECTION OF COMMISSION OFFICERS

Commissioner Slaughter motion keeping the same officers until May of next year. Second by Commissioner Marshall.

Commissioner Chan suggested to continue this item until Commissioner DeJesus is back.

Commissioner Turman suggested delaying the vote until the return of Commissioner DeJesus.

Commissioner Mazzucco motion that this item be taken off calendar indefinitely. Second by Commissioner Kingsley. Approved 6-0.

PUBLIC COMMENT
None

PUBLIC COMMENT ON ALL MATTERS PERTAINING TO CLOSED SESSION

None

VOTE ON WHETHER TO HOLD CLOSED SESSION

Motion by Commissioner Marshall, second by Commissioner Kingsley. Approved 6-0.

CLOSED SESSION (7:37 p.m. – 7:45 p.m.)

a. **PERSONNEL EXCEPTION: Assignment of disciplinary charges filed in Case No. RMF C11-189 to an individual Commissioner for taking of evidence on a date to be determined by the Commissioner** (Resolution No. 11-74)

(PRESENT: Commissioners Mazzucco, Marshall, Chan, Kingsley, Slaughter, Turman, Lieutenant Falvey, Risa Tom, Chief Suhr, Commander Tomioka, Mr. Steve Johnson, Attorney Fortes, Director Hicks)

Assigned to Commissioner Turman.

b. **PERSONNEL EXCEPTION: Discussion and possible action to accept, reject, or take other action regarding a proposed Stipulated Agreement filed in Case No. ALW C08-181**

Put over to September 14th.

c. **PERSONNEL EXCEPTION: Status and calendaring of pending disciplinary cases** (PRESENT: Commissioners Mazzucco, Marshall, Chan, Kingsley, Slaughter, Turman, Lieutenant Falvey, Risa Tom, Chief Suhr, Commander Tomioka)

VOTE TO ELECT WHETHER TO DISCLOSE ANY OR ALL DISCUSSION HELD IN CLOSED SESSION

Motion by Commissioner Marshall, second by Commissioner Chan for non disclosure. Approved 6-0.

PUBLIC COMMENT

None

ADJOURNMENT

Motion by Commissioner Mazzucco to adjourn the meeting in honor of retired Captain Rosko who recently passed away, second by Commissioner Chan. Approved 6-0

Thereafter, the meeting was adjourned at 7:50 p.m.

_____

Lieutenant Timothy Falvey
Secretary
San Francisco Police Commission

1071/rct

September 14, 2011

SAN FRANCISCO POLICE COMMISSION

SAN FRANCISCO POLICE COMMISSION AGENDA

REGULAR MEETING

WEDNESDAY, SEPTEMBER 14, 2011

5:30 p.m.

City Hall, Room 400

#1 Dr. Carlton B. Goodlett Place

San Francisco, California

Thomas Mazzucco
President

Dr. Joe Marshall
Vice President

Petra DeJesus
Commissioner

James T. Hammer
Commissioner

Angela Chan Commissioner

Carol Kingsley
Commissioner

R. James Slaughter Commissioner

Lt. Timothy Falvey
Secretary

Pledge of Allegiance; Roll Call

GOVERNMENT
DOCUMENTS DEPT

DEC 23 2013

SAN FRANCISCO
PUBLIC LIBRARY

1. Approval of the Minutes (ACTION)

   - For the following meetings:

     July 6th & 13, 2011, August 3rd & 10, 2011

2. General Public Comment

(The public is now welcome to address the Commission regarding items that do not appear on tonight's age but that are within the subject matter jurisdiction of the Commission. Speakers shall address their rema the Commission as a whole and not to individual Commissioners or Department or OCC personnel. Unde Police Commission Rules of Order, during public comment, neither Police or OCC personnel, nor Commissioners are required to respond to questions presented by the public but, may provide a brief resp Individual Commissioners and Police and OCC personnel should refrain, however, from entering into an debates or discussion with speakers during public comment. Please limit your comments to three (3) mi

3. **Reports and Announcements**

   a. **Chief's report (DISCUSSION)**

      - **Presentation of Certificate of Appreciation**

      - **Review of recent activities**

   b. **OCC Director's report (DISCUSSION)**

      - **Review of recent activities**

   c. **Commission reports (DISCUSSION)**

      - **Commission President's report**

      - **Commissioners' reports**

   d. **Commission announcements and scheduling of items identified for consideration at futu Commission meetings (ACTION)**

4. **Department's Crisis Intervention Training (CIT) Working Group update (DISCUSSION)**

5. **Discussion & possible action re: Resources available to officers exposed to traumatic incidents (ACTION)**

6. **Public comment on all matters pertaining to Item 8 below, Closed Session – Disciplinary Cases, includin public comment on vote whether to hold Item 8 in closed session.**

7. **Vote on whether to hold Item 8 in Closed Session (ACTION)**

8. **Closed Session – Disciplinary Cases**

   Roll Call;

   a. **Pursuant to Government Code Section 54957 and San Francisco Administrative Code Section 67.10(b) and Penal Code Section 832.7:**

      PERSONNEL EXCEPTION: Discussion and possible action to accept, reject, or take other action reg a proposed Stipulated Agreement filed in Case No. ALW C08-181 (ACTION ITEM)

   b. **Pursuant to Government Code Section 54957(b)(1) and San Francisco Administrative Code Secti 67.10(b) and Penal Code Section 832.7:**

      PERSONNEL EXCEPTION: Status and calendaring of pending disciplinary cases (DISCUSSION A POSSIBLE ACTION)

(OPEN SESSION) Roll Call.

9. **Vote to elect whether to disclose any or all discussion on Item 8 held in closed session (San Francisco Administrative Code Section 67.12(a)) (ACTION)**

10. **Adjournment (ACTION ITEM)**

**** SUPPORTING DOCUMENTATION FOR POLICE COMMISSION AGENDA ITEMS THAT ARE NOT CONFIDENTIAL AND DOCUMENTATION THAT HAVE BEEN DISTRIBUTED TO THE COMMISSION AFT DISTRIBUTION OF THE AGENDA PACKETS ARE AVAILABLE FOR REVIEW AT THE POLICE COMMISS OFFICE, THOMAS J. CAHILL HALL OF JUSTICE, 850 BRYANT STREET, ROOM 505, SAN FRANCISCO, C 94103, DURING NORMAL BUSINESS HOURS**

***PLEASE NOTE*: The Police Commission will be holding a Special Meeting this month at a location other than C Hall.**

1. **The Commission will meet in the Mission District at Cesar Chavez Elementary School, 825 Shotwell Stre Francisco, on Wednesday, September 28, 2011, at 6 p.m., to hear comments from the public and Missio Station Captain Gregory Corrales concerning public protections issues in the Mission District**

City and County of San Francisco ©2000-2013

SEPTEMBER 14, 2011 **REGULAR MEETING**

The Police Commission of the City and County of San Francisco met in Room 400, City Hall, #1 Dr. Carlton B. Goodlett Place, San Francisco, at 5:40 p.m.

PRESENT: Commissioners Mazzucco, Marshall, Chan, DeJesus, Kingsley, Turman
ABSENT: Commissioner Slaughter

(Commissioner DeJesus arrived at 5: 55 p.m.)

APPROVAL OF THE MINUTES

- For the following meetings:
  July 6th & 13, 2011, August 3rd & 10, 2011

PUBLIC COMMENT
None

Motion by Commissioner Marshall, second by Commissioner Chan. Approved 5-0.

PUBLIC COMMENT

Gary Delagnes, POA President, talked about the 9-11 Tribute on Saturday, September 10th, and the Police/Fire Mass on Sunday, September 11th.

Larry Miller discussed concerns regarding irresponsible, inconsiderate bicyclists. (handed out flyers).

Unidentified discussed concerns about reckless behavior by pedestrians, cyclists, and drivers, and concerns regarding an incident with a citation for not stopping at a stop sign while on a bike.

Emile Lawrence discussed the use of microphones and concerns about pension spiking by the police.

Stephen Ocosolato talked about research in towing while dining in the Northbeach Corridor.

Howard Wu, CPAB member, District 10 resident, talked about an officer in District 10 who deserves an award for saving lives. (document submitted)

Alan Byard, President Patrol Specials POA, discussed concerns in regards to access to radio channels being removed from their radios and that it is an officer-safety issue and concerns about training.

REPORTS AND ANNOUNCEMENTS

a. Chief's Report
- **Presentation of Certificate of Appreciation**
- **Review of recent activities**

Chief Suhr provided a brief report on crime statistics and talked about 9-11 events during the past weekend.

Captain Corrales gave a brief synopsis of incident involving Ms. McNulty who is then presented a Chief's Certificate of Appreciation.

Chief Suhr also gave a brief update in regards to the Community Policing DGO.

b. OCC Director's Report
- **Review of recent activities**

Sr. Investigator Galman, for Director Hicks, had no report.

c. Commission Reports
- **Commission President's Report**
- **Commissioners' Reports**

No report.

GOVERNMENT
DOCUMENTS DEPT

DEC 23 2013

SAN FRANCISCO
PUBLIC LIBRARY

d. **Commission Announcements, scheduling of items identified for consideration at future Commission meetings**

Lt. Falvey announced that the Commission will meet in the Mission District on September 28th, Cesar Chavez Elementary School, 825 Shotwell, at 6 p.m.

PUBLIC COMMENT

Emile Laurence addressed the Commission in regards to crimes going down in the city.

DEPARTMENT'S CRISIS INTERVENTION TRAINING (CIT) WORKING GROUP UPDATE

Captain Goldberg presented the Department's Crisis Intervention Training working group update.

PUBLIC COMMENT
None

DISCUSSION & POSSIBLE ACTION RE: RESOURCES AVAILABLE TO OFFICERS EXPOSED TO TRAUMATIC INCIDENTS

Commissioner Mazzucco gave a brief summary as to how this item came about.

Sgt. Dunnigan and Officer Burley presented the BSU recommendations and gave a brief description of each.

Chief Suhr asked that the Department be given 30 days to come back with a final report.

PUBLIC COMMENT
Emile Lawrence asked about suicide rate in the police department in San Francisco.

PUBLIC COMMENT ON ALL MATTERS PERTAINING TO CLOSED SESSION

None

VOTE ON WHETHER TO HOLD CLOSED SESSION

Motion by Commissioner Kingsley, second by Commissioner Marshall. Approved 6-0.

CLOSED SESSION (7:10 p.m. – 8:00 p.m.)

a. **PERSONNEL EXCEPTION: Discussion and possible action to accept, reject, or take other action regarding a proposed Stipulated Agreement filed in Case No. ALW C08-181** (Resolution 11-76)
(PRESENT: Commissioners Mazzucco, Marshall, Chan, DeJesus, Kingsley, Turman, Lieutenant Falvey, Risa Tom, Commander Tomioka, Mr. Steve Johnson, Attorney Worsham, Attorney Shea, and member involved)

b. **PERSONNEL EXCEPTION: Status and calendaring of pending disciplinary cases**
(PRESENT: Commissioners Mazzucco, Marshall, Chan, Kingsley, Slaughter, Turman, Lieutenant Falvey, Risa Tom, Chief Suhr, Commander Tomioka)

VOTE TO ELECT WHETHER TO DISCLOSE ANY OR ALL DISCUSSION HELD IN CLOSED SESSION

Motion by Commissioner Marshall, second by Commissioner Chan for non disclosure. Approved 6-0.

PUBLIC COMMENT
None

ADJOURNMENT

Motion by Commissioner Turman, second by Commissioner Marshall. Approved 6-0

Thereafter, the meeting was adjourned at 8:30 p.m.

_____

Lieutenant Timothy Falvey
Secretary
San Francisco Police Commission

1071/rct

September 21, 2011

SAN FRANCISCO POLICE COMMISSION

SAN FRANCISCO POLICE COMMISSION AGENDA

REGULAR MEETING

WEDNESDAY, SEPTEMBER 21, 2011

5:30 p.m.

City Hall, Room 400

#1 Dr. Carlton B. Goodlett Place

San Francisco, California

Thomas Mazzucco
President

Dr. Joe Marshall
Vice President

Petra DeJesus
Commissioner

James T. Hammer
Commissioner

Angela Chan Commissioner

Carol Kingsley
Commissioner

R. James Slaughter Commissioner

Lt. Timothy Falvey
Secretary

GOVERNMENT
DOCUMENTS DEPT

DEC 23 2013

SAN FRANCISCO
PUBLIC LIBRARY

Pledge of Allegiance; Roll Call

1. General Public Comment

(The public is now welcome to address the Commission regarding items that do not appear on tonight's age but that are within the subject matter jurisdiction of the Commission. Speakers shall address their rema the Commission as a whole and not to individual Commissioners or Department or OCC personnel. Unde Police Commission Rules of Order, during public comment, neither Police or OCC personnel, nor Commissioners are required to respond to questions presented by the public but, may provide a brief resp Individual Commissioners and Police and OCC personnel should refrain, however, from entering into an debates or discussion with speakers during public comment. Please limit your comments to three (3) mi

2. Reports and Announcements

a. Chief's report (DISCUSSION)

- Review of recent activities

b. OCC Director's report (DISCUSSION)

- Review of recent activities

c. Commission reports (DISCUSSION)

- Commission President's report
- Commissioners' reports

d. Commission announcements and scheduling of items identified for consideration at futu Commission meetings (ACTION)

3. Discussion regarding proposed revision of Department General Order 3.11 regarding Community Policin Commission anticipates adopting or taking other action on the proposed General Order at the meeting September 28, 2011 (DISCUSSION)

4. Public comment on all matters pertaining to Item 6 below, Closed Session – Disciplinary Cases, includin public comment on vote whether to hold Item 6 in closed session.

5. Vote on whether to hold Item 6 in Closed Session (ACTION)

6. Closed Session – Disciplinary Cases

Roll Call;

a. Pursuant to Government Code Section 54957 and San Francisco Administrative Code Section 67.10(b) and Penal Code Section 832.7:

PERSONNEL EXCEPTION: Discussion and possible action to adopt Findings of Fact and rule on objections filed in Case No. JCT D06-173 (ACTION)

b. Pursuant to Government Code Section 54957 and San Francisco Administrative Code Section 67.10(b) and Penal Code Section 832.7:

PERSONNEL EXCEPTION: Possible action on officer's procedural objections and decide penalty, necessary, on disciplinary charges filed in Case Nos. RMW C08-166 & RMW C08-167 (ACTION)

c. Pursuant to Government Code Section 54957 and San Francisco Administrative Code Section 67.10(b) and Penal Code Section 832.7:

PERSONNEL EXCEPTION: To receive and file final stipulated disposition in disciplinary Case No. A C08-181, agreed to at the meeting of September 14, 2011

d. Pursuant to Government Code Section 54957(b)(1) and San Francisco Administrative Code Secti 67.10(b) and Penal Code Section 832.7:

PERSONNEL EXCEPTION: Status and calendaring of pending disciplinary cases (DISCUSSION A POSSIBLE ACTION)

(OPEN SESSION) Roll Call.

7. **Vote to elect whether to disclose any or all discussion on Item 6 held in closed session (San Francisco Administrative Code Section 67.12(a)) (ACTION)**

8. **Adjournment (ACTION ITEM)**

**** SUPPORTING DOCUMENTATION FOR POLICE COMMISSION AGENDA ITEMS THAT ARE NOT CONFIDENTIAL AND DOCUMENTATION THAT HAVE BEEN DISTRIBUTED TO THE COMMISSION AFT DISTRIBUTION OF THE AGENDA PACKETS ARE AVAILABLE FOR REVIEW AT THE POLICE COMMISS OFFICE, THOMAS J. CAHILL HALL OF JUSTICE, 850 BRYANT STREET, ROOM 505, SAN FRANCISCO, C 94103, DURING NORMAL BUSINESS HOURS**

***PLEASE NOTE*: The Police Commission will be holding a Special Meeting this month at a location other than C Hall.**

1. **The Commission will meet in the Mission District at Cesar Chavez Elementary School, 825 Shotwell Stre Francisco, on Wednesday, September 28, 2011, at 6 p.m., to hear comments from the public and Missio Station Captain Gregory Corrales concerning public protections issues in the Mission District**

City and County of San Francisco ©2000-2013

SEPTEMBER 21, 2011 **REGULAR MEETING**

The Police Commission of the City and County of San Francisco met in Room 400, City Hall, #1 Dr. Carlton B. Goodlett Place, San Francisco, at 5:40 p.m.

PRESENT: Commissioners Mazzucco, Marshall, Chan, Kingsley, Slaughter, Turman
ABSENT: Commissioner DeJesus

Commissioner Mazzucco asked that the meeting be opened in memory of Retired Lieutenant Farren who died last week at the age of 99.

PUBLIC COMMENT

Eric Kane discussed concerns regarding conspiracy against him by the FBI and the police department.

Clyde commended the Tenderloin Station officers in regards to response to an incident last night.

Mrs. Casillas discussed concerns regarding her mother being assaulted and concerns about the District Attorney dropping the charges against the suspect.

Pat Forsberg discussed concerns regarding being pulled over by a motorcycle officer on Irving Street and actions by the officer and feeling threatened.

REPORTS AND ANNOUNCEMENTS

a. Chief's Report
- Review of recent activities

Chief Suhr talked about recent activities and talked about recent officer-involved shooting where two bystanders were hit. The Chief also talked about his meeting with Supervisor Campos and visiting the little 5-year old shooting victim. The Chief then gave a brief update on crime statistics.

Commander Biel gave a general overview of the BART officer-involved shooting.

b. OCC Director's Report
- Review of recent activities

Director Hicks gave a brief update on recent events including attending the NACOLE conference.

Director Hicks also presented the OCC's comprehensive report.

c. Commission Reports
- Commission President's Report
- Commissioners' Reports

Commissioner Mazzucco talked about the community meeting in regards to recent OIS shooting.

d. Commission Announcements, scheduling of items identified for consideration at future Commission meetings

Lt. Falvey announced that the Commission will meet in the Mission District on September 28th, Cesar Chavez Elementary School, 825 Shotwell.

PUBLIC COMMENT

Emile Lawrence spoke in regards to recommendations made and his request from the OCC for documents.

Ms. Dubal talked about the Community Policing Department General Order and talked about the Portland Resolution in regards to the Joint Terrorism Task Force.

Commander Biel gave a brief update in regards to the JTTF.

GOVERNMENT DOCUMENTS DEPT
DEC 23 2013
SAN FRANCISCO PUBLIC LIBRARY

Commissioner Slaughter asked that this item be agendized in the next couple of weeks.

Summer Harrara spoke in regards that the bureau order is not enough and asked the Commission to act on this issue.

DISCUSSION REGARDING PROPOSED REVISION OF DEPARTMENT GENERAL ORDER 3.11 REGARDING COMMUNITY POLICING. THE COMMISSION ANTICIPATES ADOPTING OR TAKING OTHER ACTION ON THE PROPOSED GENERAL ORDER AT THE MEETING OF SEPTEMBER 28, 2011

Chief Suhr presented the revised DGO titled Community Policing changed from DGO 3.11 to DGO 1.08.

Commissioner Chan requested that some language in regards to language access be added.

Commissioner Mazzucco asked if this DGO can also be use as a performance measure for officers.

PUBLIC COMMENT

Emile Lawrence asked what is the taking place with this DGO.

PUBLIC COMMENT ON ALL MATTERS PERTAINING TO CLOSED SESSION

None

VOTE ON WHETHER TO HOLD CLOSED SESSION

Motion by Commissioner Marshall, second by Commissioner Chan. Approved 6-0.

CLOSED SESSION (6:56 p.m. to 8:30 p.m.)

a. **PERSONNEL EXCEPTION: Discussion and possible action to adopt Findings of Fact and rule on objections filed in Case No. JCT D06-173** (Resolution 11-77)

(PRESENT: Commissioners Marshall, Chan, Kingsley, Slaughter, Turman, Lieutenant Falvey, Risa Tom, Chief Suhr, Deputy City Attorney Blits, Attorney Worsham, Attorney Driscoll)

Motion by Commissioner Slaughter, second by Commissioner Chan to recuse Commissioner Mazzucco. Approved 5-0.

(Taken in shorthand form by Ms. Eastellar Bruihl, CSR.)

b. **PERSONNEL EXCEPTION: Possible action on officer's procedural objections and decide penalty, if necessary, on disciplinary charges filed in Case Nos. RMW C08-166 & RMW C08-167** (Resolution No. 11-75)

(PRESENT: Commissioners Marshall, Chan, Kingsley, Slaughter, Turman, Lieutenant Falvey, Risa Tom, Captain McEachern, Deputy City Attorney Blits, Attorney Nicco, Attorney Alden, Mr. Steve Johnson, and member involved)

Motion by Commissioner Slaughter, second by Commissioner Chan to recuse Commissioner Mazzucco. Approved 5-0.

(Taken in shorthand form by Ms. Eastellar Bruihl, CSR.)

c. **PERSONNEL EXCEPTION: To receive and file final stipulated disposition in disciplinary Case No. ALW C08-181, agreed to at the meeting of September 14, 2011**

(PRESENT: Commissioners Mazzucco, Marshall, Chan, Kingsley, Slaughter, Turman, Lieutenant Falvey, Risa Tom, Chief Suhr, Deputy City Attorney Blits, Attorney Worsham)

Received and filed by the Commission.

d. PERSONNEL EXCEPTION: Status and calendaring of pending disciplinary cases (PRESENT: Commissioners Marshall, Chan, Kingsley, Slaughter, Turman, Lieutenant Falvey, Risa Tom, Deputy City Attorney Blits)

VOTE TO ELECT WHETHER TO DISCLOSE ANY OR ALL DISCUSSION HELD IN CLOSED SESSION

Motion by Commissioner Kingsley , second by Commissioner Turman for non disclosure. Approved 5-0.

PUBLIC COMMENT

None

ADJOURNMENT

Motion by Commissioner Turman, second by Commissioner Kingsley. Approved 5-0

Thereafter, the meeting was adjourned at 8:35 p.m.

Lieutenant Timothy Falvey
Secretary
San Francisco Police Commission

1071/rct

September 28, 2011

SAN FRANCISCO POLICE COMMISSION

SAN FRANCISCO POLICE COMMISSION AGENDA

REGULAR MEETING

WEDNESDAY, SEPTEMBER 28, 2011

6:00 p.m.

Mission District

Cesar Chavez Elementary School

825 Shotwell

San Francisco, California

Thomas Mazzucco
President

Dr. Joe Marshall
Vice President

Petra DeJesus
Commissioner

L. Julius M. Turman
Commissioner

Angela Chan Commissioner

Carol Kingsley
Commissioner

R. James Slaughter Commissioner

Lt. Timothy Falvey
Secretary

Pledge of Allegiance; Roll Call

1. Reports to the Commission (DISCUSSION)
   a. Chief=s Report
      - Review of recent activities
   b. OCC Director=s Report
      - Review of recent activities
   c. Commission Reports
      - Presentation of Certificates of Appreciation
      - Commission President=s Report
      - Commissioners= Reports

GOVERNMENT
DOCUMENTS DEPT

DEC 23 2013

SAN FRANCISCO
PUBLIC LIBRARY

2. **Discussion and possible action to adopt or take other action regarding new Department General Order 1 "Community Policing," and to rescind or take other action regarding Department General Order 3.11, "Community Oriented Policing and Problem Solving" (ACTION)**

3. **Captain Gregory Corrales, Commanding Officer of Mission Station, to address the Commission on Police Activities in the Mission District (DISCUSSION)**

   - **Overview of district**
   - **Review of recent activities**
   - **Comments by Supervisor David Campos**

4. **Public Comment**

   (The public is now welcome to address the Commission regarding items that do not appear on tonight's a but that are within the subject matter jurisdiction of the Commission. Speakers shall address their rema the Commission as a whole and not to individual Commissioners or Department or OCC personnel. Unde Police Commission Rules of Order, during public comment, neither Police or OCC personnel, nor Commissioners are required to respond to questions presented by the public but, may provide a brief resp Individual Commissioners and Police and OCC personnel should refrain, however, from entering into an debates or discussion with speakers during public comment. Please limit your comments to three (3) mi

5. **Public Comment on all matters pertaining to Closed Session**

6. **Vote on whether to hold Closed Session. (San Francisco Administrative Code Section 67.10) (ACTION IT**

7. **Closed Session**

   a. **Pursuant to Government Code Section 54957(b)(1) and San Francisco Administrative Code Secti 67.10(b) and Penal Code Section 832.7:**

      PUBLIC EMPLOYEE PERFORMANCE EVALUATION: Chief of Police

      Review of findings and decision to return officer to duty following officer- involved shooting (C Case No. 11-005) (DISCUSSION)

8. **Vote to elect whether to disclose any or all discussion held in closed session**

   (San Francisco Administrative Code Section 67.12(a))

9. **Adjournment (ACTION ITEM)**

***** SUPPORTING DOCUMENTATION FOR POLICE COMMISSION AGENDA ITEMS THAT ARE NOT CONFIDENTIAL AND DOCUMENTATION THAT HAVE BEEN DISTRIBUTED TO THE COMMISSION AFTER DISTRIBUTION OF THE AGENDA PACKETS ARE AVAILABLE FOR REVIEW AT THE POLICE COMMISSION OFI THOMAS J. CAHILL HALL OF JUSTICE, 850 BRYANT STREET, ROOM 505, SAN FRANCISCO, CA 94103, DURIN NORM**

Contact SFGov Accessibility Policies
City and County of San Francisco ©2000-2013

SEPTEMBER 28, 2011 **REGULAR MEETING**

The Police Commission of the City and County of San Francisco met in the Mission District, at Cesar Chavez Elementary School, 825 Shotwell, San Francisco, at 6:15 p.m.

PRESENT: Commissioners Mazzucco, Chan, DeJesus, Kingsley, Turman
ABSENT: Commissioner Marshall, Slaughter

Commissioner Mazzucco welcomed the audience and introduced Supervisors David Campos , Scott Weiner, and Ross Mirkirimi.

Commissioner Mazzucco then turned the microphone over to Commissioner DeJesus to chair the meeting in her community. The Commissioners then introduced themselves and gave a brief bio.

Supervisor David Campos spoke in regards to public safety, violence prevention, and community involvement. Supervisor Campos also thanked Chief Suhr for implementing the new community policing DGO.

Supervisor Scott Weiner spoke in regards to public safety challenges in the district particularly gun violence, robberies, and assaults. Supervisor Weiner also spoke in regards to hate crimes in the Castro.

Supervisor Ross Mirkirimi spoke in regards to the recent violence in the Mission District and spoke about community policing.

REPORTS AND ANNOUNCEMENTS

a. Chief's Report
- Review of recent activities

Chief Suhr deferred his time to Captain Corrales but spoke briefly regarding the new community policing general order.

b. OCC Director's Report
- Review of recent activities

Director Joyce Hicks spoke about the OCC's duties and responsibilities.

c. Commission Reports
- Presentation of Certificates of Appreciation
- Commission President's Report
- Commissioners' Reports

Commissioner Chan recognized some of the community-based organizations and presented Certificates of Appreciation to HOMEY, Mission Boys and Girls Club, Central American Resource Center, and the Community Response Network.

Commissioner Chan talked about attending the Officers' for Justice event last weekend.

DISCUSSION AND POSSIBLE ACTION TO ADOPT OR TAKE OTHER ACTION REGARDING NEW DEPARTMENT GENERAL ORDER 1.08, "COMMUNITY POLICING AND TO RESCIND OR TAKE OTHER ACTION REGARDING DEPARTMENT GENERAL ORDER 3.11, "COMMUNITY ORIENTED POLICING AND PROBLEM SOLVING

Chief Suhr presented DGO 1.08, "Community Oriented Policing and Problem Solving."

PUBLIC COMMENT

Mr. Baggett thanked Supervisor Campos and the Chief for doing a great job with this DGO. He went on to commend Captain Mahoney, Captain Garrity, and Captain Chignell.

GOVERNMENT DOCUMENTS DEPT
DEC 23 2013
SAN FRANCISCO PUBLIC LIBRARY

Karen Huggins, Holly Court, asked the Commission to adopt this general order and thanked Chief Suhr for this DGO. She went on to thank the officers of Holly Court, Supervisor Campos, and Captain Lazar.

Rita Alviar urged the Commission to adopt this DGO.

Unidentified talked about working with Supervisor Campos and Chief Suhr in regards to this DGO and stated that this DGO is already in motion and urged the Commission to approve it.

Alfredo Vargas urged the Commission to approve this DGO tonight.

Unidentified spoke about working with Chief Suhr and Captain Corrales and Supervisor Campos in regards to community policing and asked the Commission to approve it.

Nikki Hatfield, Bernal Heights Neighborhood Center, urged the Commission approve this DGO.

Mr. Connolly, President of Boys and Girls Club, stated that if the Chief believes in this document and he believes in it and went on to commend Chief Suhr on his involvement with the community.

Karena Morales, Community Against Violence, stated that this is a great effort to continue relationships with the Police Department.

Unidentified stated that this is not what on paper but how it is implemented and how it is being communicated to the communities and wants a police department that will connect with the non-profit organizations.

Teri Edmonds talked about hate crimes and bullying in communities and asked the communities to make San Francisco a hate free community.

Nila, Immigration Attorney, thanked the Commission for their great work and asked what can the Commission offer to non-documented individuals who are afraid of the police.

Commissioner Chan requested a person to be assigned to the implementation of the DGO, compilation of the community policing manual, community database resources, and stated that there should be concrete plans and asked that the DGO be revisited in six months.

Chief Suhr responded that Director Hicks is present and will assist him in implementing this DGO.

Motion by Commissioner Chan, second by Commissioner Kingsley. Approved 5-0.

RESOLUTION NO. 11-81

ADOPTION OF DEPARTMENT GENERAL ORDER 1.08, "COMMUNITY POLICING," AND RESCINDING OF DEPARTMENT GENERAL ORDER 3.11, "COMMUNITY ORIENTED POLICING AND PROBLEM SOLVING"

RESOLVED, that the Police Commission hereby rescinds Department General Order 3.11, "Community Oriented Policing and Problem Solving," and adopts Department General Order 1.08, "Community Policing," (draft version fourteen dated 9/22/11), which states as follows:

"COMMUNITY POLICING

The San Francisco Police Department is committed to Community Policing, which is defined as a philosophy and organizational strategy in which the police work collaboratively with community members, community-based organizations, other city agencies, and others, in order to reduce violent crime, create safer communities, and enhance the health and vibrancy of neighborhoods in San Francisco.

I. COMPONENTS

1. Partnerships. Community Policing requires a genuine partnership between the police and the community, in order to more effectively address issues of crime and public safety, and to more effectively enhance the health and vibrancy of our neighborhoods.

2. Problem Solving. Community Policing requires that the police work with community members to analyze long-standing neighborhood crime problems, and then implement specific plans in order to address and eradicate these problems.

3. Shared Responsibilities. Community Policing requires that the community (and other government agencies) take responsibilities for those tasks which they can perform, in order to assist the police with addressing issues of crime and disorder.

4. Mutual Respect. Community Policing requires a transparent and mutually respectful relationship between the police and the community.

5. Interaction with Youth. Community Policing requires members of the Police Department interact with youth and youth groups on a regular basis, and participate in activities with youth and youth groups, both planned and unplanned.

6. Knowledge and Understanding. Community Policing requires that the police have an understanding of the traditions, culture and history of the neighborhoods in which they serve. Likewise, Community Policing requires that the Police Department provide information and training to the community, so that community members gain an understanding of police practices and procedures, as well as an understanding of the traditions and culture of the law enforcement profession.

7. Communication. Community Policing requires that the police communicate regularly and openly with the community (in a language-accessible manner in accordance with Department General Order 5.20), and provide information about crime, criminal investigations, and crime prevention to the community on a regular basis, unless disclosure of that information will undermine or compromise a criminal investigation, or is prohibited by law.

8. Meetings. Community Policing requires that the police and the community meet to discuss issues of public safety, including the plans and methods which will be used to enhance public safety. These meetings may include formal, regularly scheduled meetings with neighborhood groups, merchant groups, Community Advisory Boards, and others, and may also include ad-hoc meetings with community members concerned with any neighborhood problems.

9. Community Involvement. Community Policing requires that the Police Department be supportive of and involved with civic and neighborhood events when possible. These events may include holiday celebrations, ethnic festivals, youth events, and others.

10. Training. Community Policing requires that the Police Department implement training programs which provide Department members with on-going and continual training in the application of Community Policing models and practices. This training may be provided by both law enforcement professionals and members of the community, and will involve on-going review and discussions of the Community Policing Resources Manual (see below).

11. Community Policing Resource Manual. The San Francisco Police Department will compile a Community Policing Resource Manual, which will describe plans, programs and practices that have been shown to be the most effective best practices in promoting public safety and addressing issues of crime, disorder, and quality of life.

    a. Copies of the Community Policing Resource Manual shall be maintained at all units and details, and will be made available to the public.
    b. Officers in Charge of all units and details shall ensure that Community Policing Resources Manuals are kept up to date, and are readily available for review by all assigned members, including on-line.

c. All Department members may submit potential entries for inclusion in this manual. Each potential entry shall be evaluated by the Chief of Police prior to being entered into the manual.

12. Community Resources. As part of its commitment to Community Policing, the Department shall compile and maintain a current database of public and private resources and agencies. The information in this database will be provided to community members in order to assist them with issues including, but not limited to the following: substance abuse, homelessness, hunger, etc.

II. ADMINISTRATION

1. All members of the Department shall support the tenets of Community Policing described in this order. Department members assigned to support and administrative roles within the Department shall utilize those aspects of Community Policing described in this order which are most relevant to their duties.

2. District captains and lieutenants shall ensure, as staffing allows:

   a. The assignment of officers to steady beats and sectors on a daily basis.
   b. Regular attendance of beat and sector officers at all community meetings in their assigned areas.
   c. Regular staffing of foot beat assignment."

AYES: Commissioners Mazzucco, Chan, DeJesus, Kingsley, Turman
ABSENT: Commissioners Marshall, Slaughter

CAPTAIN GREGORY CORRALES, COMMANDING OFFICER OF MISSION STATION, TO ADDRESS THE COMMISSION ON POLICE ACTIVITIES IN THE MISSION DISTRICT

Captain Corrales spoke about the Mission District: demographics, crime stats, staffing.

PUBLIC COMMENT

Evan Stevens, San Francisco resident and homeowner in Potrero Hill, commended the SFPD, Chief Suhr, Captain Corrales, and Captain Chignell. He went on to talk about a shooting incident in front of his home and talked about how the police handled the incident.

Teri Edmonds talked about SROs in the Tenderloin and talked about bullying and hate crimes in the Tenderloin.

Jim Salinas, Sr., thanked the Commission for coming to the Mission District and spoke in regards to staffing.

Rita Alviar recommended that 24th Street beat officers start at noon time because there are a lot of kids on the street and that beat officers carry cell phones for merchants to be able to get a hold of them. She went on to commend Chief Suhr for his great work with the community.

Mother of Alberto Garcia who was a victim of a shooting spoke about her mother who was assaulted on September 11th. She also stated that the perpetrator who assaulted her mother lives in Mission District and that the charges were dropped against the perpetrator because he was a Marine and had head trauma.

Mike Kelly, Fairmont District, talked about completing the Fire Department Neighborhood Emergency Training and talked about how the Police Department was not involved in the training.

Jean Hallisy, Jamestown Community Center, talked about mentoring young kids and peer mentorship program.

Alfredo, Police Community Advisory Board, recognized some of his staff for their dedication in working with the community.

PUBLIC COMMENT ON ALL MATTERS PERTAINING TO CLOSED SESSION

None

VOTE ON WHETHER TO HOLD CLOSED SESSION

Motion by Commissioner Turman, second by Commissioner Kingsley. Approved 5-0.

CLOSED SESSION (8:45 p.m. – 9:10 p.m.)

a. **PUBLIC EMPLOYEE PERFORMANCE EVALUATION: Chief of Police Review of findings and decision to return officer to duty following officer-involved shooting (OIS Case NO. 11-005)**
(PRESENT: Commissioners Mazzucco, Chan, DeJesus, Kingsley, Turman, Lieutenant Falvey, Risa Tom, Chief Suhr, Lt. Yick, Sgt. Nevin, Sgt. Juarez)

b. **PERSONNEL EXCEPTION: Status and calendaring of pending disciplinary cases**
(PRESENT: Commissioners Mazzucco, Chan, DeJesus, Kingsley, Turman, Lieutenant Falvey, Risa Tom)

VOTE TO ELECT WHETHER TO DISCLOSE ANY OR ALL DISCUSSION HELD IN CLOSED SESSION

Motion by Commissioner Turman, second by Commissioner Mazzcco for non disclosure. Approved 5-0.

PUBLIC COMMENT
None

ADJOURNMENT

Motion by Commissioner Chan to adjourn the meeting in honor of Eric Quesada who passed away in August, second by Commissioner DeJesus. Approved 5-0

Thereafter, the meeting was adjourned at 9:10 p.m.

_____
Lieutenant Timothy Falvey
Secretary
San Francisco Police Commission

1071/rct

October 5, 2011

SAN FRANCISCO POLICE COMMISSION

SAN FRANCISCO POLICE COMMISSION AGENDA

REGULAR MEETING

WEDNESDAY, October 5, 2011

5:30 p.m.

City Hall, Room 400

#1 Dr. Carlton B. Goodlett Place

San Francisco, California

Thomas Mazzucco
President

Dr. Joe Marshall
Vice President

Petra DeJesus
Commissioner

L. Julius M. Turman
Commissioner

Angela Chan Commissioner

Carol Kingsley
Commissioner

R. James Slaughter Commissioner

Lt. Timothy Falvey
Secretary

GOVERNMENT
DOCUMENTS DEPT

DEC 23 2013

SAN FRANCISCO
PUBLIC LIBRARY

Pledge of Allegiance; Roll Call

1. General Public Comment

(The public is now welcome to address the Commission regarding items that do not appear on tonight's age but that are within the subject matter jurisdiction of the Commission. Speakers shall address their rema the Commission as a whole and not to individual Commissioners or Department or OCC personnel. Unde Police Commission Rules of Order, during public comment, neither Police or OCC personnel, nor Commissioners are required to respond to questions presented by the public but, may provide a brief resp Individual Commissioners and Police and OCC personnel should refrain, however, from entering into an debates or discussion with speakers during public comment. Please limit your comments to three (3) mi

2. Reports and Announcements

a. Chief's report (DISCUSSION)

- Review of recent activities

b. OCC Director's report (DISCUSSION)

- Review of recent activities

- Presentation of the OCC's 2011 Community Outreach Strategic Plan

c. Commission reports (DISCUSSION)

- Commission President's report

- Commissioners' reports

d. Commission announcements and scheduling of items identified for consideration at futu Commission meetings (ACTION)

3. Discussion and possible action to interpret Interim Rules and Procedures for Patrol Special Officers and Assistants regarding ability of Patrol Special Officer Serge White to sponsor an application by an Assis Patrol Special Officer (ACTION)

4. Public comment on all matters pertaining to Item 6 below, Closed Session, including public comment on whether to hold Item 6 in closed session.

5. Vote on whether to hold Item 6 in Closed Session, including vote on whether to assert the attorney-client privilege with regard to Items 6(d) and 6(e) (San Francisco Administrative Code Section 67.10) (ACTIO

6. Closed Session

Roll Call;

a. Pursuant to Government Code Section 54957(b)(1) and San Francisco Administrative Code Secti 67.10(b) and Penal Code Section 832.7:

PERSONNEL EXCEPTION: Assignment of Disciplinary Charges filed in Case No. JWA C11-194/IAD 2010-0210 to a Commissioner for taking of evidence on a date to be determined by the Commiss (ACTION)

b. Pursuant to Government Code Section 54957(b)(1) and San Francisco Administrative Code Secti 67.10(b) and Penal Code Section 832.7:

PERSONNEL EXCEPTION: Assignment of Disciplinary Charges filed in Case No. ALW C11-211 to a Commissioner for taking of evidence on a date to be determined by the Commissioner (ACTION

c. Pursuant to Government Code Section 54957(b)(1) and San Francisco Administrative Code Se 67.10(b) and Penal Code Section 832.7:

PERSONNEL EXCEPTION: Withdrawal of an Appeal of the Chief's Suspension filed in Case No. ALV D10-231 (RECEIVE & FILE)

d. Pursuant to Government Code Section 54956.9(a) and San Francisco

Administrative Code Section 67.10(d)(1):

CONFERENCE WITH LEGAL COUNSEL: Existing litigation:

Jane Warner v. City and County of San Francisco, Worker's Compensation Appeals Board Cas ADJ7115612 (filed 1/12/10) and No. ADJ7778316 (filed 5/6/11) (DISCUSSION)

e. Pursuant to Government Code Section 54956.9(b)(1) & (b)(3)(B) and San Francisco

Administrative Code Section 67.10(d)(2):

CONFERENCE WITH LEGAL COUNSEL: Anticipated litigation as defendant

Discussion with counsel on anticipated litigation; possible action to recommend that the Boar Supervisors approve request for advance approval of Federal Rules of Civil Procedure Rule 68 Settlement Offer or to take other action (DISCUSSION& POSSIBLE ACTION)

f. Pursuant to Government Code Section 54957(b)(1) and San Francisco Administrative Code Secti 67.10(b) and Penal Code Section 832.7:

PERSONNEL EXCEPTION: Status and calendaring of pending disciplinary cases (DISCUSSION A POSSIBLE ACTION)

(OPEN SESSION) Roll Call.

7. Vote to elect whether to disclose any or all discussion on Item 6 held in closed session (San Francisco Administrative Code Section 67.12(a)) (ACTION)

8. Adjournment (ACTION ITEM)

**** SUPPORTING DOCUMENTATION FOR POLICE COMMISSION AGENDA ITEMS THAT ARE NOT CONFIDENTIAL AND DOCUMENTATION THAT HAVE BEEN DISTRIBUTED TO THE COMMISSION AFT DISTRIBUTION OF THE AGENDA PACKETS ARE AVAILABLE FOR REVIEW AT THE POLICE COMMISS OFFICE, THOMAS J. CAHILL HALL OF JUSTICE, 850 BRYANT STREET, ROOM 505, SAN FRANCISCO, C 94103, DURING NORMAL BUSINESS HOURS**

City and County of San Francisco ©2000-2013

OCTOBER 5, 2011 **REGULAR MEETING**

The Police Commission of the City and County of San Francisco met in Room 400, City Hall, #1 Dr. Carlton B. Goodlett Place, San Francisco, at 5:37 p.m.

PRESENT: Commissioners Mazzucco, Marshall, Chan, Kingsley, Slaughter, Turman
ABSENT: Commissioner DeJesus

Commissioner Mazzucco explained why the matter of the JTTF resolution is not on the agenda.

Commissioner Slaughter also talked about the meeting with Ms. Dubal and Mr. Crew of the ACLU.

PUBLIC COMMENT

Paul Henderson, Deputy Chief of Staff Mayor's Office & Director of Public Issues, stated that the Mayor's Office is comfortable with the order addressed in terms of public safety and is receiving information with the Federal Government and stated that the Mayor's Office supports what the Commission is doing.

Theresa Sparks, Executive Director Human Rights Commission, expressed her appreciation to the community for their work and thanked the Commission and Chief Suhr for continuing to work with the HRC and the community in this matter.

Tina Sehan, Asian Law Caucus, discussed concerns about the Commission not knowing what the problem is. She then went on to explain the problem.

Dr. Jasca, Arab American Cultural Center, expressed concern and asked that the MOU between the FBI and the Department be suspended and urged the Commission to build relationships based on trust and transparency.

Hared Hamwe discussed concerns regarding stereotyping of Arabs and Muslims and spoke about the Lavon Affair of the 1950s.

Sadi Husseim stated that his Community Center has a strong relationship with SFPD and spoke in regards to issues of racial profiling.

Rachel Roberts, Civil Rights Coordinator Northern California, asked the Commission to work with the community to come up with a local resolution.

Unidentified (through an interpreter) spoke of civil liberty rights and that everyone should be treated as a dignified human being and talked about the agreement between the FBI and local law enforcements.

Morris Hamash, Attorney, spoke in regards to how Arabs and Muslim immigrants have been impacted by the FBI and how their civil rights have been repeatedly violated.

Ms. Abdulla asked the Commission to pass a resolution to opt out of the MOU with the FBI.

Mr. Sumaha discussed concerns about being approached by the FBI for no reason except for the way he look and his background. He stated that these acts of discrimination are impacting the Arab American community and urged the Commission to act now to end this tragedy.

Mariam, Arab Resource and Organizing Center, stated that most of the people she talked to have been approached by the FBI and how the public are scared to give a testimony and urged the Commission to opt out of the MOU.

Christopher Banks urged the SFPD to opt out of the collaboration with the FBI.

Unidentified talked about civil rights.

Nadia stated the San Francisco have different standards from the FBI and went on to thank the SFPD for genuinely wanting to work with the community and stated that the bureau order does not cover the terms of the MOU and asked for a resolution.

Tom Silhorst spoke in regards to patrol specials.

Sparrow spoke in regards to reasons to sever ties with the FBI. (newspaper article)

Clyde spoke in regards to the Department's crime lab and an internal email.

John Crew, ACLU, discussed concerns on how this topic has been pending for a long time and suggested putting an item on the calendar that will force the FBI to answer questions.

Chris, Asian Law Caucus, spoke in regards the JTTF MOU and asked the Department to opt out of the MOU.

GOVERNMENT
DOCUMENTS DEPT

DEC 23 2013

SAN FRANCISCO
PUBLIC LIBRARY

Unidentified spoke in regards to getting a call from the FBI asking how he sends money back home and concerns about how the bank put a hold on his account.

Unidentified, international student, spoke in regards to receiving a call from the FBI wanting to meet him and spoke in fear of the FBI.

Commissioner Mazzucco explained that the Department have DGOs in regards to Racial Profiling and against violating civil rights.

Chief Suhr explained the Bureau Order issued and stated that the policies and the department general orders take precedence over whatever is on the MOU when it comes to governing the actions of San Francisco police officers on the JTTF. Chief Suhr further talked about the letter authored by Special Agent Douglas stating, "... As to the activities of the JTTF, I, SAC Douglas, have stated that the San Francisco Police Department may participate in the JTTF while abiding by their general orders ..." The letter also stated, "... she has the right to assign FBI JTTF cases but will insure that the SFPD does not receive any case inconsistent with its general orders."

Commissioner Slaughter stated that it is important for the officers to have timely access to information in case of an emergency and stated that San Francisco has a better solution in making sure our officers when they are assigned to participate in the JTTF, do so under the Department's guidelines and consistent with the Department's values and its bureau orders and its general orders.

REPORTS AND ANNOUNCEMENTS

a. Chief's Report

- Presentation of Certificate of Appreciation

- Review of recent activities

Chief Suhr talked about recent activities and the recent OIS incident involving victims of stabbing and spoke of a community meeting in the Richmond.

b. OCC Director's Report

- Review of recent activities

- Presentation of the OCC's 2011 Community Outreach Strategic Plan

Director Hicks stated that she has no recent activities to report.

Samara Marion presented the OCC's 2011 Community Outreach Strategic Plan.

c. Commission Reports

- Commission President's Report

- Commissioners' Reports

Commissioner Mazzucco suggested going dark on the last Wednesday of October.

d. Commission Announcements, scheduling of items identified for consideration at future Commission meetings

Commissioner Kingsley updated the Commission in regards to the priorities.

Commissioner Chan would like to know where the Commission is at in regards to the JTTF issue. Commissioner Mazzucco asked what would the Commission calendar and what would be the resolution. He stated that this is an ongoing process and stated that the Commission is not the FBI.

Commissioner Kingsley would like to have a discussion amongst commissioners in regards to the JTTF issue to bring clarity as to the FBI, their role, and how to convey to the public the distinction of their role.

Commissioner Turman agrees that the commission should have a discussion amongst themselves in regards to the JTTF situation with the Chief and with the ACLU to see what is in place and how it can be improved.

Commissioner Marshall stated that a discussion item among the commissioners is fine and would like to hear from Commissioners Mazzucco and Slaughter.

Commissioner Slaughter stated that this should be scheduled for a discussion but not for an action item.

PUBLIC COMMENT

John Crew stated that he will not be available on October 19th as he will be in Portland. He went on to speak about an incident involving an SFPD inspector.

DISCUSSION AND POSSIBLE ACTION TO INTERPRET INTERIM RULES AND PROCEDURES FOR PATROL SPECIAL OFFICERS AND THEIR ASSISTANTS REGARDING ABILITY OF PATROL SPECIAL OFFICER SERGE WHITE TO SPONSOR AN APPLICATION BY AN ASSISTANT PATROL SPECIAL OFFICER

Lieutenant Robert Yick explained why this item is on the agenda.

Deputy City Attorney Katie Porter explained the rules and some of its ambiguities.

PUBLIC COMMENT

Tom Silhorst discussed concerns about patrol specials and how they break the law.

Motion by Commissioner Chan cannot sponsor an Asst Patrol Special, second by Commissioner Slaughter. Approved 6-0.

AYES: Commissioners Mazzucco, Marshall, Chan, Kingsley, Turman

Lieutenant Yick introduced Sgt. Hector Jusino who will be taking over as the new Patrol Special Officer liaison.

RESOLUTION NO. 11-82

INTERPRETATION OF THE INTERIM RULES AND PROCEDURES FOR PATROL SPECIAL OFFICERS AND THEIR ASSISTANTS REGARDING ABILITY OF PATROL SPECIAL OFFICER SERGE WHITE TO SPONSOR AN APPLICATION BY AN ASSISTANT PATROL SPECIAL OFFICER

RESOLVED, that the Police Commission interprets the Interim Rules and Procedures for Patrol Special Officers and Their Assistants that Patrol Special Serge White cannot sponsor an application by an Assistant Patrol Special Office due to his ineligible status as a Patrol Special Officer.

AYES: Commissioners Mazzucco, Marshall, Chan, Kingsley, Slaughter, Turman
ABSENT: Commissioner DeJesus

PUBLIC COMMENT ON ALL MATTERS PERTAINING TO CLOSED SESSION

Commissioner Mazzucco read a script from the City Attorney in regards to item 6(e). Commissioner Slaughter will not be participating in this item due to conflict of interest.

No public comment.

VOTE ON WHETHER TO HOLD ITEM 6 IN CLOSED SESSION, INCLUDING VOTE ON WHETHER TO ASSERT THE ATTORNEY-CLIENT PRIVILEGE WITH REGARD TO ITEMS 6(d) and 6(e)

Motion by Commissioner Marshall, second by Commissioner Chan. Approved 6-0.

CLOSED SESSION (7:30 p.m. to 8:40 p.m.)

a. **PERSONNEL EXCEPTION: Assignment of Disciplinary Charges filed in Case No. JWA C11-194/IAD 2010-0210 to a Commissioner for taking of evidence on a date to be determined by the Commissioner** (Resolution No. 11-78)
(PRESENT: Commissioners Mazzucco, Marshall, Chan, Kingsley, Slaughter, Turman, Lieutenant Falvey, Risa Tom, Chief Suhr, Commander Tomioka, Deputy City Attorney Porter, Deputy City Attorney Hoeper, Attorney Alden, Mr. Steve Johnson)

Assigned to Commissioner Turman.

b. **PERSONNEL EXCEPTION: Assignment of Disciplinary Charges filed in Case No. ALW C11-211 to a Commissioner for taking of evidence on a date to be determined by the Commissioner** (Resolution No. 11-79)
(PRESENT: Commissioners Mazzucco, Marshall, Chan, Kingsley, Slaughter, Turman, Lieutenant Falvey, Risa Tom, Chief Suhr, Commander Tomioka, Deputy City Attorney Porter, Deputy City Attorney Hoeper, Attorney Alden, Steve Johnson)

Assigned to Commissioner Chan.

c. **PERSONNEL EXCEPTION: Withdrawal of an Appeal of the Chief's Suspension filed in Case No. ALW D10-231** (Resolution No. 11-80)
(PRESENT: Commissioners Mazzucco, Marshall, Chan, Kingsley, Slaughter, Turman, Lieutenant Falvey, Risa Tom, Chief Suhr, Commander Tomioka, Deputy City Attorney Porter, Deputy City Attorney Hoeper.)

d. **CONFERENCE WITH LEGAL COUNSEL: Existing Litigation**
Jane Warner v. City and County of San Francisco, Worker's Compensation Appeals Board Case No. ADJ711S612 (filed 1/12/10) and No. ADJ7778316 (filed 5/6/11)
(PRESENT: Commissioners Mazzucco, Marshall, Chan, Kingsley, Slaughter, Turman, Lieutenant Falvey, Risa Tom, Chief Suhr, Commander Tomioka, Deputy City Attorney Porter, Deputy City Attorney Hoeper)

e. **CONFERENCE WITH LEGAL COUNSEL: Anticipated litigation as defendant**
Discussion with counsel on anticipated litigation; possible action to recommend that the Board of Supervisors approve request for advance approval of Federal Rules of Civil Procedure Rule 68 Settlement Offer or to take other action
(PRESENT: Commissioners Mazzucco, Marshall, Chan, Kingsley, Turman, Lieutenant Falvey, Risa Tom, Chief Suhr, Commander Tomioka, Deputy City Attorney Porter, Deputy City Attorney Hoeper)

Commissioner Slaughter is recused from this item.

f. **PERSONNEL EXCEPTION: Status and calendaring of pending disciplinary cases**
(PRESENT: Commissioners Mazzucco, Marshall, Chan, Kingsley, Turman, Lieutenant Falvey, Risa Tom, Deputy City Attorney Porter)

VOTE TO ELECT WHETHER TO DISCLOSE ANY OR ALL DISCUSSION HELD IN CLOSED SESSION

Motion by Commissioner Turman, second by Commissioner Chan for non disclosure. Approved 5-0

PUBLIC COMMENT
None

ADJOURNMENT

Motion by Commissioner Turman, second by Commissioner Marshall. Approved 5-0

Thereafter, the meeting was adjourned at 8:45 p.m.

Lieutenant Timothy Falvey
Secretary
San Francisco Police Commission

1071/rct

October 12, 2011

SAN FRANCISCO POLICE COMMISSION

SAN FRANCISCO POLICE COMMISSION AGENDA

REGULAR MEETING

WEDNESDAY, October 12, 2011

5:30 p.m.

City Hall, Room 400

#1 Dr. Carlton B. Goodlett Place

San Francisco, California

Thomas Mazzucco
President

Dr. Joe Marshall
Vice President

Petra DeJesus
Commissioner

L. Julius M. Turman
Commissioner

Angela Chan Commissioner

Carol Kingsley
Commissioner

R. James Slaughter Commissioner

Lt. Timothy Falvey
Secretary

GOVERNMENT
DOCUMENTS DEPT

DEC 23 2013

SAN FRANCISCO
PUBLIC LIBRARY

Pledge of Allegiance; Roll Call

1. General Public Comment

(The public is now welcome to address the Commission regarding items that do not appear on tonight's age but that are within the subject matter jurisdiction of the Commission. Speakers shall address their rema the Commission as a whole and not to individual Commissioners or Department or OCC personnel. Unde Police Commission Rules of Order, during public comment, neither Police or OCC personnel, nor Commissioners are required to respond to questions presented by the public but, may provide a brief resp Individual Commissioners and Police and OCC personnel should refrain, however, from entering into an debates or discussion with speakers during public comment. Please limit your comments to three (3) mi

2. Reports and Announcements

a. Chief's report (DISCUSSION)

- Review of recent activities
  - Status Update of Behavioral Science Unit Recommendations from meeting of 9/14/11

b. OCC Director's report (DISCUSSION)

- Review of recent activities
  - Presentation of the OCC's Monthly Comprehensive Statistical Report & Companion Repo the Periods January 1, 2011 through September 30, 2011 & January 1, 2010 through September 30, 2010

c. Commission reports (DISCUSSION)

- Commission President's report
- Commissioners' reports

d. Commission announcements and scheduling of items identified for consideration at futı Commission meetings (ACTION)

3. Public comment on all matters pertaining to Item 5 below, Closed Session – Disciplinary Cases, includin public comment on vote whether to hold Item 5 in closed session.

4. Vote on whether to hold Item 5 in Closed Session (ACTION)

5. Closed Session – Disciplinary Cases

Roll Call;

a. Pursuant to Government Code Section 54957(b)(1) and San Francisco Administrative Code Sectic 67.10(b) and Penal Code Section 832.7:

PERSONNEL EXCEPTION: Assignment of Amended Disciplinary Charges filed in Case No. JWA C11- a Commissioner for taking of evidence on a date to be determined by the Commissioner (ACTIC

b. Pursuant to Government Code Section 54957(b)(1) and San Francisco Administrative Code Sectic 67.10(b) and Penal Code Section 832.7:

PUBLIC EMPLOYEE PERFORMANCE EVALUATION: Chief of Police

Review of findings and decision to return officer to duty following officer- involved shooting (C Case No. 11-006) (DISCUSSION)

c. Pursuant to Government Code Section 54957 and San Francisco Administrative Code Section 67.10(b) and Penal Code Section 832.7:

PERSONNEL EXCEPTION: Discussion and possible action to sustain or not sustain disciplinary charges filed in Case No. ALW C09-076, and to decide penalty, if necessary (ACTION)

d. Pursuant to Government Code Section 54957(b)(1) and San Francisco Administrative Code Sectic 67.10(b) and Penal Code Section 832.7:

PERSONNEL EXCEPTION: Status and calendaring of pending disciplinary cases (DISCUSSION A

POSSIBLE ACTION)

(OPEN SESSION) Roll Call.

6. **Vote to elect whether to disclose any or all discussion on Item 5 held in closed session (San Francisco Administrative Code Section 67.12(a)) (ACTION)**

7. **Adjournment (ACTION ITEM)**

**** SUPPORTING DOCUMENTATION FOR POLICE COMMISSION AGENDA ITEMS THAT ARE NOT CONFIDENTIAL AND DOCUMENTATION THAT HAVE BEEN DISTRIBUTED TO THE COMMISSION AFT DISTRIBUTION OF THE AGENDA PACKETS ARE AVAILABLE FOR REVIEW AT THE POLICE COMMISS OFFICE, THOMAS J. CAHILL HALL OF JUSTICE, 850 BRYANT STREET, ROOM 505, SAN FRANCISCO, C 94103, DURING NORMAL BUSINESS HOURS**

City and County of San Francisco ©2000-2013

OCTOBER 12, 2011 REGULAR MEETING

The Police Commission of the City and County of San Francisco met in Room 400, City Hall, #1 Dr. Carlton B. Goodlett Place, San Francisco, at 5:35 p.m.

PRESENT: Commissioners Mazzucco, Marshall, DeJesus, Chan, Kingsley, Slaughter, Turman

(Commissioner DeJesus arrived at 5:45 p.m.)

PUBLIC COMMENT

Christine Wagner spoke in regards to concerns about actions of police in a court of law, rudeness and lying and concerns about a citation issued to her. (Letter)

John Crew, ACLU, had some questions in regards to discussion about the JTTF held last week and would like a time frame as to when the discussion will be put back on the agenda.

Cathy Castro discussed concerns regarding assault of her parents and concerns about cover up in the Taraval and her calls not returned by the Taraval officers.

REPORTS AND ANNOUNCEMENTS

a. **Chief's Report**
- **Review of recent activities**
- **Status Update of Behavioral Science Unit Recommendations from meeting of 9/14/11**

Sergeant Dunnigan, BSU, presented the update of the Behavioral Science Unit recommendations from the meeting of 9/14/11.

Commissioner Chan asked about the BSU survey and asked that the Department reports back on November 9th.

Chief Suhr gave a brief statistical crime report and went on to talk about the recent Fleet Week in San Francisco. The Chief also talked about "Take Over San Francisco," and outreach done by the Department.

b. **OCC Director's Report**
- **Review of recent activities**
- **Presentation of the OCC's Monthly Comprehensive Statistical Report Companion Reports for the Periods January 1, 2011 through September 30, 2011 & January 1, 2010 through September 30, 2010**

Director Hicks presented the OCC's Monthly Comprehensive Statistical Report.

c. **Commission Reports**
- **Commission President's Report**
- **Commissioners' Reports**

Commissioner Mazzucco had not report.

Commissioner Chan talked about attending the Asian POA dinner.

d. **Commission Announcements, scheduling of items identified for consideration at future Commission meetings**

Lt. Falvey announced that there will be no meeting on October 26th.

Commissioner DeJesus asked about recent letter received from the ACLU in regards to the JTTF MOU and asked what the status is. Commissioner Mazzucco stated that this is an ongoing discussion and a work in progress.

Commissioner Slaughter stated that he will meet with Commissioner Turman to talk about this item but work needs to be done before putting it back on the agenda for discussion.

GOVERNMENT DOCUMENTS DEPT
JAN - 9 2012
SAN FRANCISCO PUBLIC LIBRARY

Commissioner Kingsley would like to put on the November 2nd agenda the draft resolution in regards to the Commission priorities.

Commissioner Chan would like Language Access on the November 9th agenda. (

Commissioner Mazzucco would also like a discussion regarding Assistant Patrol Specials on the November 16th agenda.

PUBLIC COMMENT
None

PUBLIC COMMENT ON ALL MATTERS PERTAINING TO CLOSED SESSION

None

VOTE ON WHETHER TO HOLD CLOSED SESSION

Motion by Commissioner Marshall, second by Commissioner Chan. Approved 7-0.

CLOSED SESSION (6:20 p.m. to 9:45 p.m.)

a. **PERSONNEL EXCEPTION: Assignment of Amended Disciplinary Charges filed in Case No. JWA C11-001 to a Commissioner for taking of evidence on a date to be determined by the Commissioner** (Resolution 11-83)
(PRESENT: Commissioners Mazzucco, Marshall, DeJesus, Chan, Kingsley, Slaughter, Turman, Lieutenant Falvey, Risa Tom, Chief Suhr, Deputy City Attorney Blits)

Assigned to Commissioner DeJesus.

b. **PUBLIC EMPLOYEE PERFORMANCE EVALUATION: Chief of Police Review of findings and decision to return officer to duty following officer-involved shooting (OIS 11-006)**
(PRESENT: Commissioners Mazzucco, Marshall, DeJesus, Chan, Kingsley, Slaughter, Turman, Lieutenant Falvey, Risa Tom, Chief Suhr, Deputy City Attorney Blits, Sergeant Nevin, Inspector Tomioka)

c. **PERSONNEL EXCEPTION: Discussion and possible action to sustain or not sustain disciplinary charges filed in Case No. ALW C09-076, and to decide penalty, if necessary**
(PRESENT: Commissioners Mazzucco, Marshall, DeJesus, Chan, Kingsley, Slaughter, Turman, Lieutenant Falvey, Risa Tom, Chief Suhr, Deputy City Attorney Blits, Attorney Hechler, Attorney Gaines, and member involved)

(Taken in shorthand form by Ms. Eastellar Bruihl, CSR, Star Reporting)

d. **PERSONNEL EXCEPTION: Status and calendaring of pending disciplinary cases**
(PRESENT: Commissioners Mazzucco, Marshall, DeJesus, Chan, Kingsley, Slaughter, Turman, Lieutenant Falvey, Risa Tom, Chief Suhr, Deputy City Attorney Blits)

VOTE TO ELECT WHETHER TO DISCLOSE ANY OR ALL DISCUSSION HELD IN CLOSED SESSION

Motion by Commissioner Chan, second by Commissioner Marshall for non disclosure. Approved 7-0.

PUBLIC COMMENT
None

ADJOURNMENT

Motion by Commissioner Kingsley, second by Commissioner Chan. Approved 7-0

Thereafter, the meeting was adjourned at 9:45 p.m.

_____

Lieutenant Timothy Falvey
Secretary
San Francisco Police Commission

1071/rct

October 19, 2011

SAN FRANCISCO POLICE COMMISSION

SAN FRANCISCO POLICE COMMISSION AGENDA

REGULAR MEETING

WEDNESDAY, October 19, 2011

5:30 p.m.

City Hall, Room 400

#1 Dr. Carlton B. Goodlett Place

San Francisco, California

Thomas Mazzucco
President

Dr. Joe Marshall
Vice President

Petra DeJesus
Commissioner

L. Julius M. Turman
Commissioner

Angela Chan Commissioner

Carol Kingsley
Commissioner

R. James Slaughter Commissioner

Lt. Timothy Falvey
Secretary

Pledge of Allegiance; Roll Call

1. Approval of Minutes (ACTION)
   - For the following meetings:

     August 17th & 31, 2011, September 7th, 14th, 21st, & 28, 2011, October 5, 2011

GOVERNMENT
DOCUMENTS DEPT

DEC 23 2013

SAN FRANCISCO
PUBLIC LIBRARY

2. Consent Calendar (RECEIVE & FILE; ACTION)
   - Police Commission Report of Disciplinary Actions, 3rd Quarter 2011

3. General Public Comment

(The public is now welcome to address the Commission regarding items that do not appear on tonight's age but that are within the subject matter jurisdiction of the Commission. Speakers shall address their rema the Commission as a whole and not to individual Commissioners or Department or OCC personnel. Unde Police Commission Rules of Order, during public comment, neither Police or OCC personnel, nor Commissioners are required to respond to questions presented by the public but, may provide a brief resp

Individual Commissioners and Police and OCC personnel should refrain, however, from entering into an debates or discussion with speakers during public comment. Please limit your comments to three (3) mi

4. Reports and Announcements

a. Chief's report (DISCUSSION)

- **Review of recent activities**
- **Presentation of the 3rd Quarter 2011 FDRB Findings & Recommendations**
- **Presentation of the OIS Investigative Summary**

b. OCC Director's report (DISCUSSION)

- **Review of recent activities**

c. Commission reports (DISCUSSION)

- **Commission President's report**
- **Commissioners' reports**

d. Commission announcements and scheduling of items identified for consideration at futı Commission meetings (ACTION)

5. Discussion and possible aciton to adopt or take other action regarding Findings of Fact in the matter of P Special Officer Robert Burns, Case Nos. JWA C09-220, ALW C10-094 & ALW C10-233, heard on June 1, :

6. Public comment on all matters pertaining to Item 8 below, Closed Session – Disciplinary Cases, includin public comment on vote whether to hold Item 8 in closed session.

7. Vote on whether to hold Item 8 in Closed Session (ACTION)

8. Closed Session – Disciplinary Cases

Roll Call;

a. Pursuant to Government Code Section 54957 and San Francisco Administrative Code Section 67.10(b) and Penal Code Section 832.7:

PERSONNEL EXCEPTION: Discussion and possible action to decide penalty on disciplinary char filed in Case No. ALW C09-076 (ACTION)

b. Pursuant to Government Code Section 54957 and San Francisco Administrative Code Section 67.10(b) and Penal Code Section 832.7:

PERSONNEL EXCEPTION: Discussion and possible action to adopt Proposed Findings of Fact fil Case No. IVF C09-143, heard on March 30, 2011 (ACTION)

c. Pursuant to Government Code Section 54957(b)(1) and San Francisco Administrative Code Sectic

67.10(b) and Penal Code Section 832.7:

PERSONNEL EXCEPTION: Status and calendaring of pending disciplinary cases (DISCUSSION A POSSIBLE ACTION)

(OPEN SESSION) Roll Call.

9. Vote to elect whether to disclose any or all discussion on Item 8 held in closed session (San Francisco Administrative Code Section 67.12(a)) (ACTION)

10. Adjournment (ACTION ITEM)

**** SUPPORTING DOCUMENTATION FOR POLICE COMMISSION AGENDA ITEMS THAT ARE NOT CONFIDENTIAL AND DOCUMENTATION THAT HAVE BEEN DISTRIBUTED TO THE COMMISSION AFT DISTRIBUTION OF THE AGENDA PACKETS ARE AVAILABLE FOR REVIEW AT THE POLICE COMMISS OFFICE, THOMAS J. CAHILL HALL OF JUSTICE, 850 BRYANT STREET, ROOM 505, SAN FRANCISCO, C 94103, DURING NORMAL BUSINESS HOURS**

City and County of San Francisco ©2000-2013

OCTOBER 19, 2011 REGULAR MEETING

The Police Commission of the City and County of San Francisco met in Room 400, City Hall, #1 Dr. Carlton B. Goodlett Place, San Francisco, at 5:40 p.m.

PRESENT: Commissioners Mazzucco, Marshall, DeJesus, Chan, Kingsley, Slaughter, Turman

(Commissioner Marshall arrived at 5:44 p.m. Commissioner Slaughter arrived at 5:46 p.m. and was excused at 8:00 p.m. Commissioner Turman was excused at 8:00 p.m.)

APPROVAL OF MINUTES

- **For the following meetings:**
  August 17th & 31, 2011, September 7th, 14th, 21st, & 28, 2011, October 5, 2011

Motion by Commissioner Kingsley, second by Commissioner Chan.
Approved 5-0.

PUBLIC COMMENT
None

CONSENT CALENDAR

- **Police Commission Report of Disciplinary Actions, 3rd Quarter 2011**

Motion by Commissioner Kingsley, second by Commissioner Chan.
Approved 5-0

15
2
10/19/11

PUBLIC COMMENT

Clyde spoke in regards to Tasers and the Memphis Program. He also commended two officers from the Tenderloin Station.

Unidentified discussed concerns regarding harassment in the Bayview and videotaping by police.

Christopher Ray, Occupy SF, discussed rights of protestors and discussed police brutality.

Tracy discussed concerns regarding antagonism by police.

Nick, Occupy SF, discussed concerns regarding raid by police.

Unidentified, Poor Network, discussed concerns regarding Debray Carpenter.

Amanda, Occupy SF, discussed concerns regarding unconstitutional actions by police.

Michael Goldman talked about the right to assemble.

Scott, Occupy SF, discussed raid by police.

James, Occupy SF, talked about being arrested Sunday night and talked about actions by police.

Shawn Simmons, SF resident, Occupy SF, talked about incident on Sunday and the confusion as to who ordered the eviction.

Robert Johnson, Bakersfield, stated they will not go away until they are given what they want.

Daniel Kelly, NY, discussed concerns as to what happened on Sunday.

Julian Ball, supporter of Occupy SF, discussed concerns regarding attack on the camp.

Jeremy, Idriss Stelly Foundation, discussed concerns regarding police brutality around the city.

(The Commission took a brief recess from 6:15 p.m. to 6:25 p.m.)

Danica Chapman, mother of Kenneth Harding, Jr. who was killed in the Bayview, spoke in regards to the gentlemen who were arrested for speaking out for injustice done to her son.

Jeremy, Idriss Stelly Foundation, demanded the release of the men who were incarcerated for speaking out.

Regina Johnson, SF resident, Occupy SF, discussed concerns regarding raid of camp on Sunday night.

Meesha Irizzary spoke In support of Occupy SF and spoke for Debray Carpenter.

GOVERNMENT
DOCUMENTS DEPT

JAN - 9 2012

SAN FRANCISCO
PUBLIC LIBRARY

Prince Stubbs forgave the police and suggested moving forward and working together.

Larry Felson, Coalition to Stop Police Brutality, spoke for Debray Carpenter and the Claytons who were arrested for speaking out against the police and spoke in regards to protest on October 22nd.

Barbara, Debray Carpenter's mom, spoke in regards to her son and the harassment by police.

Darnell, Occupy Wall Street, discussed concerns regarding attack on Occupy SF on Sunday.

Syatt, Occupy SF, discussed harassment by police for the last five days and concerns regarding confusion between different agencies as to what to do and asked the Commission to do something right.

Unidentified discussed brutality by police and spoke for the moms and the victims.

Zoey, 19-years old, Occupy SF, spoke in regards to being arrested on Sunday night.

Unidentified, Occupy SF, spoke in regards to being beaten by police on Sunday.

Mike, Marin, spoke in regards to what he saw on Sunday and stated that people should be allowed to occupy a square.

Unidentified sang his comments.

Commissioner Mazzucco thanked the audience for their comments and asked for mutual respect from everybody.

Commissioner Marshall thanked the audience for coming and for allowing everybody to speak.

Chief Suhr stated the police does not have any plans into going back in and is working with the Mayor's office to provide portable toilets.

REPORTS AND ANNOUNCEMENTS

a. **Chief's Report**

- **Review of recent activities**
- **Presentation of the 3rd Quarter 2011 FDRB Findings & Recommendations**
- **Presentation of the OIS Investigative Summary**

Chief Suhr gave a brief report on crime statistics and spoke about recent events around the city. The Chief also spoke in regards to the incident on Sunday and stated that the Department will work with the different city agencies to work with Occupy SF.

Sergeant Mike Nevin presented the 3rd quarter 2011 FDRB Findings & Recommendations and the OIS Investigative Summary.

Chief Suhr announced the opening of the new Special Victims Unit and invited the Commission to visit.

b. **OCC Director's Report**

- **Review of recent activities**

Director Hicks have no recent reports but stated that the OCC have received complaints from Occupy SF.

c. **Commission Reports**

- **Commission President's Report**
- **Commissioners' Reports**

Commissioner Mazzucco has no report.

d. **Commission Announcements, scheduling of items identified for consideration at future Commission meetings**

Lt. Falvey announced that the Commission will not meet next week.

PUBLIC COMMENT

Unidentified, Occupy SF, discussed complaints made to OCC and stated that the police have been great at communicating with them up until Sunday but commended Sgt. Frazier for communicating with the demonstrators.

DISCUSSION AND POSSIBLE ACTION TO ADOPT OR TAKE OTHER ACTION REGARDING FINDINGS OF FACT IN THE MATTER OF PATROL SPECIAL OFFICER ROBERT BURNS, CASE NOS. JWA C09-220, ALW C10-094, & ALW C10-233, HEARD ON JUNE 1, 2011

Attorney Worsham for the Department.

Deputy City Attorney Blits addressed this matter and presented the Commission with an edited version of the proposed findings.

Motion by Commissioner Mazzucco, second by Commissioner Marshall to recuse Commissioners DeJesus and Turman. Approved 5-0.

PUBLIC COMMENT
None

Motion by Commissioner Marshall, second by Commissioner Kingsley. Approved 5-0.

RESOLUTION NO. 11-85

ADOPTION OF FINDINGS OF FACT REGARDING THE COMMISSION'S JUNE 1, 2011 DECISION ON DISCIPLINARY CHARGES FILED AGAINST PATROL SPECIAL OFFICER ROBERT BURNS (CASES NO. JWA C09-220, ALW C10-094, AND ALW C10-233)

RESOLVED, that the Commission adopts these Findings of Fact regarding its previously issued decision on June 1, 2011 on disciplinary charges filed against Patrol Special Officer Robert Burns (Cases No. JWA C09-220, ALW C10-094, and ALW C10-233):

FINDINGS OF FACT ADOPTED BY THE SAN FRANCISCO POLICE COMMISSION

The Commission adopts these Findings of Fact and Conclusions of Law regarding its previously issued Decision on all Specifications filed against Patrol Special Officer Robert Burns in Cases No. JWA C09-220, ALW C10-094, and ALW C10-233. The Commission's Decisions on these Specifications, including its Decision to terminate and revoke Patrol Special Officer Burns' appointment as a Patrol Special Officer, are memorialized in Commission Resolution No. 11-54, issued June 15, 2011. These Findings support the Commission's Decisions.

The Commission's Decision are based on the Commission's consideration of all relevant evidence and argument in the record. References herein to specific documents or portions of documents do not mean that the Commission did not consider or weigh consistent or contradictory documents or parts of documents not referenced in these Findings, or other relevant information identified by the parties. If any of these findings of fact include conclusions of law, the Commission adopts those conclusions of law; if any of the conclusions of law include findings of fact, the Commission adopts those findings of fact.

I. PROCEDURAL HISTORY

1. On or about October 21, 2009, former Chief of Police George Gascón filed a formal complaint with the San Francisco Police Commission alleging in one specification that Patrol Special Officer Burns failed to wear the required uniform while on duty, in violation of Rule 6.02(A)(2) as required by the Interim Rules and Procedures for Patrol Special Officers and their Assistants, adopted by the San Francisco Police Commission, on December 10, 2008.[1] (See JWA C09-220, Department Exhibit A.)

[1] All references to the "Rules" or "Interim Rules" contained in these Findings of Fact refer to the "Interim Rules and Procedures for Patrol Special Officers and their Assistants" as adopted by the City and County of San Francisco Police Commission on December 10, 2008. (Department Exhibit B.)

2. On or about March 30, 2010, former Chief of Police George Gascón filed a formal complaint with the San Francisco Police Commission alleging in two specification that Patrol Special Officer Robert Burns failed to wear the required uniform in violation of Rules 4.08, 6.02(A)(2), and 6.02(A)(3) of the Interim Rules, and failed to comply with the insurance requirements in violation of Rules 4.03 and 3.03(I)(3) of the Interim Rules. (See ALW C10-094.)

3. On or about October 28, 2010, former Chief of Police George Gascón filed a formal complaint with the San Francisco Police Commission alleging in three specifications that Patrol Special Officer Robert Burns failed to comply with direct orders of a San Francisco Police officer on two separate occasions and failed to comply with the mandatory training requirements of the Interim Rules in violation of Rules 4.03 and 3.05. (See ALW C10-233, Department Exhibit L.)

4. The Commission, through an individual hearing Commissioner assigned as a hearing officer, took evidence on all three commission cases on Tuesday, March 1, 2011. PSO Burns appeared on his own behalf, and the Department was represented by Ashley Worsham, Esq. Witnesses were sworn, examined and cross-examined, exhibits were introduced and received into evidence (PSO Burns Exhibits 1 and 2, and Department Exhibits A – X), and arguments were heard. Proceedings were reported in real time by a certified reporter, and subsequently transcribed. The transcript and all exhibits were then provided to the full Commission.

5. On June 1, 2011, the full Commission heard further argument from both parties, deliberated, and decided the cases. PSO Burns appeared on his own behalf, and the Department was represented by Ashley Worsham, Esq.

The Commission sustained specification number one in JWA C09-220 by a unanimous vote of 5-0. The Commission sustained specification number one in C10-094 by a unanimous vote of 5.0. The Commission sustained specification number two in C10-094 by a vote of 4.1. IN C10-233, the Commission sustained specification number one by a vote of 4-1; specification number two was sustained by a unanimous vote of 5-0 and specification number three was sustained by a vote of 4-1. As penalty for these violations, the Commission voted unanimously to terminate and revoke Patrol special Officer Burns' appointment as a Patrol Special Officer.

II. MISCONDUCT AND VIOLATIONS OF PATROL SPECIAL OFFICER RULES BY PATROL SPECIAL OFFICER ROBERT BURNS

6. City and County of San Francisco Charter §4.127 provides that the Police Commission "may appoint patrol special police officers and for cause may suspend or dismiss patrol special officers after a hearing on charges duly filed with the Commission and after a fair and impartial trial. Patrol special officers shall be regulated by the Police Commission, which may establish requirements for and procedures to govern the position . . . . "

On December 10, 2008, the San Francisco Police Commission adopted "Interim Rules and Procedures for Patrol Special Officers and their Assistant." (Department Exhibit B.)

A Patrol Special Officer is: "A private patrol person, appointed by the Police Commission, who contracts to perform security duties of a private nature for private persons or businesses within the geographical boundaries set forth by the Police Commission. A Patrol Special Officer is the owner of a beat." (Section 2.01(K), Interim Rules and Procedures for Patrol Special Officers and their Assistants.)

7. Patrol Special Officer Burns had been appointed as a Patrol Special Officer for approximately twenty years. During the time periods at issue, he was the owner of PSO Beats No. 10 and 20 in the Fisherman's Wharf area (Testimony of Sgt. Brian Devlin.)

A. C09-220: Specification No. 1 – Non-Compliance with Uniform Requirements (Aug.-Sept. 2009)

8. Rule 6.02(A)(2) of the Interim Rules requires that all Patrol Special Officers and their Assistants wear uniform trousers with a blue soutache on the outside seams.

9. During the month of August 2009 there were twelve (12) occasions when Patrol Special Officer Burns was non-compliant with the uniform requirements of Rule 6.02(A)(2). (Department Exhibit C; testimony of Sgt. Brian Devlin.)

10. During the month of September 2009 there were twenty-five (25) occasions when Patrol Special Officer Burns was non-complaint with the uniform requirements of Rule 6.02(A)(2). (Department Exhibit D; testimony of Sgt. Brian Devlin.)

11. Patrol Special Officer Robert Burns admitted during his July 2009 Internal Affairs Division interview with SFPD Sgt. Brian Devlin that he was aware of § 6.02(A)(2) of the Interim Rules. (Testimony of Sgt. Brian Devlin.)

12. Patrol Special Officer Burns argued during his IAD interview that Rule 6.02(A)(2) was unlawful, and stated that he would continue to wear his uniform without the blue soutache. PSO Burns also stated that he disliked the appearance of the uniform. (Testimony of Sgt. Brian Devlin.)

B. C10-094: Specification No. 1 – Non–Compliance with Uniform Requirements (Dec. 2009 – Feb. 2010), Specification No. 2 – Failure to Provide Required Proof of Insurance to the Department

Specification No. 1 – Non–Compliance with Uniform Requirements (Dec. 2009 – Feb. 2010)

13. During the month of February 2010 SFPD Sgt. Edward Cheung observed that Patrol Special Officer Burns was in violation of the uniform policy of the Interim Rules. (Department Exhibit I; testimony of Lt. Robert Yick.)

14. In a memorandum dated February 4, 2010, Sgt. Edward Cheung stated that on February 4, 2010 at 0001 hours Patrol Special Officer Burns checked in at Central Station and he inspected Patrol Special Officer Burns' uniform. Sgt. Cheung found that Patrol Special Officer Burns was in violation of Rule 6.02 because he failed to have the required blue soutache on his trousers, shirt, and jacket. (Department Exhibit I; testimony of Lt. Robert Yick.)

15. SFPD Lt. Robert Yick was responsible for insuring that all Special Patrol Officers and their Associates were in compliance with the Patrol Special Officer Program. As part of his investigation into allegations that Patrol Special Officer Burns was in violation of the uniform policy, Lt. Yick reviewed the Daily Reporting Log for Central Station for the dates of December 25, 2009 through January 31, 2010. Lt. Yick found thirty-seven (37) separate uniform violations for Patrol Special Officer Burns noted in the Central Station Daily Reporting Log during that time period. (Department Exhibit J; testimony of Lt. Robert Yick.)

16. During his interview with Lt. Yick on February 19, 2010, Patrol Special Officer Burns acknowledged having a copy of the Interim Rules. (Testimony of Lt. Robert Yick.)

17. At no time during his interview with Lt. Yick did Patrol Special Officer Burns agree to comply with the uniform requirements of the Interim Rules. (Testimony of Lt. Robert Yick.)

Specification No. 2 – Failure to Provide Required Proof of Insurance to the Department

18. Lt. Yick mailed a letter dated December 24, 2009 to each Patrol Special Officer and their Assistants. A blank "Information Form" was enclosed with each letter that required the Patrol Special Officer/Assistant to provide specific information, including information about the PSO/Assistant's automobile insurance and general liability insurance. (Department Exhibit F; Rule 3.03; testimony of Lt. Robert Yick.)

19. Lt. Yick received a partially completed form back from Patrol Special Officer Burns on or about January 22, 2010. The partially completed form showed that Patrol Special Officer Burns had an automobile that he used in the performance of his work as a Patrol Special Officer; however, the form did not include the required automobile insurance and general liability insurance information. (Department Exhibit G; testimony of Lt. Robert Yick.)

20. Lt. Yick mailed Patrol Special Officer Burns a follow-up letter on or about January 22, 2010, directing that PSO Burns must provide the required information about his automobile insurance and general liability insurance. (Department Exhibit H; testimony of Lt. Robert Yick.)

21. During an interview on February 19, 2010 PSO Burns acknowledged receipt of the original letter and blank Information Form from Lt. Yick, as well as the follow-up letter dated January 22, 2010 regarding the incomplete portions of the Information Form. (Testimony of Lt. Robert Yick.)

22. The Department did not even receive the required automobile insurance information from Patrol Special Officer Burns.

During the February 19, 2010 interview, Patrol Special Officer Burns did provide a Certificate of General Liability Insurance to Lt. Yick. (Department Exhibit K; testimony of Lt. Robert Yick.)

C. C10-233: Specification No. 1 – Failure to Attend Mandatory Training June 1-3, 2010 and Failure to Obey Order, Specification No. 2 – Failure to Attend Mandatory Training July 22, 2010, Specification No. 3 – Failure to Attend Scheduled Interview as Ordered

Specification No. 1 – Failure to Attend Mandatory Training June 1-3, 2010 and Failure to Obey Order

23. On March 25, 2010 Lt. Yick mailed a certified letter to Patrol Special Officer Burns regarding mandatory annual training for Patrol Special Officers and their Assistants, which includes a mandatory First Aid and CPR component. (Department Exhibit M; testimony of Lt. Robert Yick.)

24. The Interim Rules require 24 hours of mandatory training for each Patrol Special Officer and their Assistants each year. (Rule 3.05; testimony of Lt. Robert Yick.)

25. Lt. Yick received a copy of the certified mailing receipt verifying that Patrol Special Officer Burns received the letter on March 27, 2010. (Department Exhibit N; testimony of Lt. Robert Yick.)

26. The mandatory training was scheduled for June 1, 2010, June 2, 2010, and June 3, 2010 at the Police Academy located at 350 Amber in San Francisco. (Department Exhibit M; testimony of Lt. Robert Yick.)

27. Patrol Special Officer Burns did not attend the mandatory training on June 1, 2010, June 2, 2010, or June 3, 2010. (Department Exhibit O; testimony of Lt. Robert Yick.)

Specification No. 2 – Failure to Attend Mandatory Training July 22, 2010, Specification No. 3 – Failure to Attend Scheduled Interview as Ordered

28. Approximately a week later, on June 11, 2010, Lt. Yick was contacted by Patrol Special Officer Sam Reyes regarding an additional date when the mandatory First Aid/CPR training component would be provided. Patrol Special Officer Sam Reyes was the interim president for the Patrol Special Officers and their Assistants and attempted to help coordinate the mandatory training dates. July 22, 2010 was the date selected to hold another First Aid/CPR mandatory training class.

29. There were a series of emails exchanged between Lt. Yick and Patrol Special Officer Reyes regarding communication with Patrol Specials and Assistants who had not attended the mandatory First Aid/CPR training on the first day it was scheduled. (Department Exhibits P, Q, and R; testimony of Lt. Robert Yick.)

30. In a letter dated July 6, 2010 mailed to Patrol Special Officer Burns, Lt. Yick notified PSO Burns of the mandatory training class and the additional date and time the class would be held. (Department Exhibit S; testimony of Lt. Robert Yick.)

31. On July 21, 2010 Lt. Yick received an email from Patrol Special Officer Alan Byard informing him that Patrol Special Officer Burns would not be attending the mandatory training scheduled for July 22, 2010. (Department Exhibit T; testimony of Lt. Robert Yick.)

32. The email from Patrol Special Officer Byard stated, "Sgt. Yick, I have spoken with Officer Burns as well as Officer Andrews. They both state that they will not be attending the first aid training tomorrow." (Department Exhibit T; testimony of Lt. Robert Yick.)

33. Patrol Special Officer Burns did not attend the mandatory First Aid/CPR training on July 22, 2010. (Department Exhibit U; testimony of Lt. Robert Yick.)

Specification No. 3 – Failure to Attend Scheduled Interview as Ordered

34. Following Patrol Officer Burns' refusal to attend mandatory training, Lt. Yick sent him an interview notice that scheduled an administrative interview for September 7, 2010 at 1000 hours. (Department Exhibit X, testimony of Lt. Robert Yick.)

35. The notice was provided to (former) Captain Anna Brown and Captain Brown served the mandatory interview notice on Patrol Special Officer Burns on August 20, 2010 at 0015 hours. (Department Exhibit W, testimony of Lt. Robert Yick.)

36. Patrol Special Officer Burns failed to appear for his scheduled interview on September 7, 2010 despite having been served with notice by Captain Anna Brown. (Testimony of Lt. Robert Yick.)

III. RULES VIOLATIONS AND PENALTY

37. Patrol Special Officer Burns' conduct in refusing to wear the required uniform for Patrol Special Officers and their Assistants violated Rules 4.08, 6.02(A)(2),and 6.02(A)(3) of the Interim Rules and Procedures for Patrol Special Officers and their Assistants which states:

Rule 4.08 of the Interim Rules and Procedures for Patrol Special Officers and their Assistants states:

> "4.08 UNIFORM AND EQUIPMENT
>
> Patrol Specials and Assistant Patrol Specials shall at all times while performing services to their subscribers, wear only the uniform and equipment items prescribed by the Commission.
>
> No person other than an approved Patrol Special or Assistant Patrol Special may wear the prescribed uniform. Patrol Specials and Assistants shall not facilitate or allow any employee, volunteer or other person to wear the prescribed uniform who has not been approved by the Police Commission as a Patrol Special or Assistant Patrol Special."

Rule 6.02(A)(2) and 6.02(A)(3) of the Interim Rules and Procedures for Patrol Special Officers and their Assistants states:

> "6.02 UNIFORM AND EQUIPMENT SPECIFICATIONS
>
> . . . .

A. All uniform coats, trousers, cap, shirt, tie, shoes, rain cap cover, rain coat and pants to be of similar material and style as that required and prescribed for regular patrol persons in the San Francisco Police Department with the following exceptions:

. . . .

2. TROUSER STRIPES: BLUE SOUTACHE, one-half inch wide on outside seams.
3. SHIRTS AND JACKETS: BLUE SOUTACHE, epaulettes on both shoulders.
. . . ."

38. Patrol Special Officer Burns was non-compliant with the mandatory uniform requirements on at least seventy –four (74) different occasions during August 2009, September 2009 and December 25, 2009 through January 31, 2010, as evidenced by the Daily Reporting Logs for Central Station. Patrol Special Officer admitted on several occasions that he was aware of the uniform requirements, yet he repeatedly failed to comply with the mandatory uniform requirements.

39. Patrol Special Officer Burns refused to follow the direct orders of Lt. Robert Yick when he failed to provide proof of automobile insurance.

40. Patrol Special Officer Burns acknowledged initial receipt of the Information Form that required him to submit his automobile insurance and general liability insurance information, and receipt of the January 22, 2010 letter from Lt. Yick again directing him to submit the required insurance information.

41. Despite this information, Patrol Special Officer Burns refused to comply with directives from Lt. Yick (Rule 4.03) to provide proof of automobile insurance (Rule 3.03(I)(3)).

"4.03 ORDERS OF POLICE OFFICERS

Patrol Specials and Assistant Patrol Specials shall strictly obey and promptly execute the lawful orders of police officers."

Rule 3.03, subsection (I)(3) of the Rules and Procedures for Patrol Special Officers and their Assistants states:

"3.03 QUALIFICATIONS/REQUIREMENTS FOR PATROL SPECIAL OFFICERS
. . . .
I. Present evidence of insurance in the following amount:
. . . .
3. Commercial Automobile Liability Insurance with limits not less than $1,000,000 each occurrence Combined Single Limit for Bodily Injury and Property Damage, including Owned, Non-Owned and Hired auto coverage, as applicable.
. . . ."

42. Patrol Special Officer Burns refused to follow the direct orders of Lt. Yick when he failed to attend mandatory training on two separate instances, and when he failed to appear for his mandatory interview regarding allegations of misconduct (Rules 4.03, 3.05).

"4.03 ORDERS OF POLICE OFFICERS

Patrol Specials and Assistant Patrol Specials shall strictly obey and promptly execute the lawful orders of police officers"

"3.05 TRAINING

Patrol Specials and Assistant Patrol Specials shall participate in additional training as required by the Chief of Police. Cost for training provided by the San Francisco Police Department shall be paid for by the Patrol Specials and Assistant Patrol Specials prior to receiving such training at a rate commensurate

with rates charged to other private persons. Minimum annual training shall include:

A. Successful completion of the firearms qualifications course twice each year on dates set by the Range Master at the San Francisco Police Range.

B. Annual completion of twenty-four (24) hours of classroom instruction presented at the Police Academy, which may include general orders, bulletins and procedures that apply to Patrol Special Police Officers and their Assistants and could affect the performance of their duties."

43. Patrol Special Officer Burns did not offer any valid reason for his refusal to comply with the directives to attend training. Patrol Special Officer Burns was required to attend mandatory training on June 1 – 3 and again on July 22, 2010, and he refused to attend the training on any of those dates.

44. At no time during the evidentiary proceedings did Patrol Special Officer Burns state that he would comply with the Interim Rules. Even when presented with the opportunity to provide an oral closing and address the full commission, Patrol Special Officer Burns refused to state that he would comply with the Interim Rules. Rather, he consistently maintained that the Interim Rules did not apply to him. (PSO Burns Exhibits 1, 2; testimony of PSO Burns.)

45. The Commission finds that Patrol Special Officer Burns' arguments that he has statutory peace officer status and that the Interim Rules do not apply to him, are without merit.

46. On Wednesday, June 1, 2011, the Commission terminated and revoked Patrol Special Officer Burns' appointment as a Patrol Special Officer. The Commission expects all Patrol Special Officers and their Assistants to comply with the Interim Rules despite repeated requests to do so evidences a total disregard for the Patrol Special Program and Interim Rules adopted by the Commission.

AYES: Commissioners Mazzucco, Marshall, Chan, Kingsley, Slaughter
RECUSED: Commissioners DeJesus, Turman

PUBLIC COMMENT ON ALL MATTERS PERTAINING TO CLOSED SESSION

None

VOTE ON WHETHER TO HOLD CLOSED SESSION

Motion by Commissioner Marshall, second by Commissioner Chan. Approved 7-0.

CLOSED SESSION (7:45 p.m. to 8:05 p.m.)

a. **PERSONNEL EXCEPTION: Discussion and possible action to sustain or not sustain disciplinary charges filed in Case No. ALW C09-076, and to decide penalty, if necessary** (Resolution 11-84)

(PRESENT: Commissioners Mazzucco, Marshall, DeJesus, Chan, Kingsley, Slaughter, Turman, Lieutenant Falvey, Risa Tom, Chief Suhr, Commander Tomioka, Captain McEachern, Deputy City Attorney Blits, Attorney Hechler, Attorney Gaines, and member involved)

(Taken in shorthand form by Ms. Eastellar Bruihl, CSR, Star Reporting)

b. **PERSONNEL EXCEPTION: Discussion and possible action to adopt or take other action regarding Findings of Fact in Case No. IVF C09-143, heard on March 30, 2011**

Item put over for a future date.

c. **PERSONNEL EXCEPTION: Status and calendaring of pending disciplinary cases**

(PRESENT: Commissioners Mazzucco, Marshall, DeJesus, Chan, Kingsley, Lieutenant Falvey, Risa Tom, Chief Suhr, Commander Tomioka, Captain McEachern, Deputy City Attorney Blits)

VOTE TO ELECT WHETHER TO DISCLOSE ANY OR ALL DISCUSSION HELD IN CLOSED SESSION

Motion by Commissioner Kingsley, second by Commissioner Marshall for non disclosure. Approved 5-0.

PUBLIC COMMENT

None

ADJOURNMENT

Motion by Commissioner Kingsley, second by Commissioner Marshall. Approved 5-0

Thereafter, the meeting was adjourned at 8:10 p.m.

_____

Lieutenant Timothy Falvey
Secretary
San Francisco Police Commission

1071/rct

October 26, 2011 (No Meeting Notice)

SAN FRANCISCO POLICE COMMISSION

SAN FRANCISCO POLICE COMMISSION AGENDA

NO MEETING NOTICE

WEDNESDAY, October 26, 2011

Thomas Mazzucco
President

Dr. Joe Marshall
Vice President

Petra DeJesus
Commissioner

James T. Hammer
Commissioner

Angela Chan Commissioner

Carol Kingsley
Commissioner

R. James Slaughter Commissioner

Lt. Timothy Falvey
Secretary

The Police Commission will not meet on Wednesday, October 26, 2011.
Please join the Commission at its next meeting on

Wednesday, November 2, 2011
at 5:30 p.m.
City Hall, Room 400
#1 Dr. Carlton B. Goodlett Place
San Francisco

GOVERNMENT
DOCUMENTS DEPT

DEC 23 2013

SAN FRANCISCO
PUBLIC LIBRARY

City and County of San Francisco ©2000-2013

November 2, 2011

SAN FRANCISCO POLICE COMMISSION

SAN FRANCISCO POLICE COMMISSION AGENDA

REGULAR MEETING

WEDNESDAY, November 2, 2011

5:30 p.m.

City Hall, Room 400

#1 Dr. Carlton B. Goodlett Place

San Francisco, California

Thomas Mazzucco
President

Dr. Joe Marshall
Vice President

Petra DeJesus
Commissioner

L. Julius M. Turman
Commissioner

Angela Chan Commissioner

Carol Kingsley
Commissioner

R. James Slaughter Commissioner

Lt. Timothy Falvey
Secretary

GOVERNMENT
DOCUMENTS DEPT

DEC 23 2013

SAN FRANCISCO
PUBLIC LIBRARY

Pledge of Allegiance; Roll Call

1. Consent Calendar (RECEIVE & FILE; ACTION)
- Request of the Chief of Police to accept donation of $1,000.00 from Ms. Karen Fireman for use of the SFPD Mo Unit
- SFPD/OCC's 3rd Quarter Status Report of General Orders/Policy Proposals

2. General Public Comment
(The public is now welcome to address the Commission regarding items that do not appear on tonight's agend: that are within the subject matter jurisdiction of the Commission. Speakers shall address their remarks to the Commission as a whole and not to individual Commissioners or Department or OCC personnel. Under Police Commission Rules of Order, during public comment, neither Police or OCC personnel, nor Commissioners are required to respond to questions presented by the public but, may provide a brief response. Individual Commissioners and Police and OCC personnel should refrain, however, from entering into any debates or discussion with speakers during public comment. Please limit your comments to three (3) minutes.)

3. Reports and Announcements
a. Chief's report (DISCUSSION)
- Review of recent activities
- "Topic of the Month" Domestic Violence/Special Victims Unit Overview
b. OCC Director's report (DISCUSSION)

- Review of recent activities
c. Commission reports (DISCUSSION)
- Commission President's report
- Commissioners' reports
d. Commission announcements and scheduling of items identified for consideration at future Commission me (ACTION)

4. Public comment on all matters pertaining to Item 6 below, Closed Session, including public comment on vot whether to hold Item 6 in closed session.

5. Vote on whether to hold Closed Session, including vote on whether to assert the attorney-client privilege wit regard to Items 6(a) & (b) (San Francisco Administrative Code Section 67.10) (ACTION)

6. Closed Session
Roll Call;

a. Pursuant to Government Code Section 54956.9(a) and San Francisco Administrative Code Section 67.10(d)(1): (DISCUSSION & POSSIBLE ACTION)
CONFERENCE WITH LEGAL COUNSEL
Mary Jenn v. CCSF., San Francisco Superior Court No. 505363. Discussion and possible action to recommend tl Board of Supervisors approve recommended settlement in the action.

b. Pursuant to Government Code Section 54956.9(a) and San Francisco Administrative Code Section 67.10(d)(1): (DISCUSSION & POSSIBLE ACTION)
CONFERENCE WITH LEGAL COUNSEL
George & Vickie Bourdouris and Capital Ins. Group v. CCSF., Unlitigated Claim No. 11-00689. Discussion and possible action to recommend that the Board of Supervisors approve recommended settlement in the action.

c. Pursuant to Government Code Section 54957(b)(1) and San Francisco Administrative Code Section 67.10(b) : Penal Code Section 832.7:
PERSONNEL EXCEPTION: Status and calendaring of pending disciplinary cases (DISCUSSION AND POSSIBLE ACTION)

(OPEN SESSION) Roll Call.

7. Vote to elect whether to disclose any or all discussion on Item 6 held in closed session (San Francisco Administrative Code Section 67.12(a)) (ACTION)

8. Adjournment (ACTION ITEM)
**** SUPPORTING DOCUMENTATION FOR POLICE COMMISSION AGENDA ITEMS THAT ARE NOT CONFIDENTI AND DOCUMENTATION THAT HAVE BEEN DISTRIBUTED TO THE COMMISSION AFTER DISTRIBUTION OF T AGENDA PACKETS ARE AVAILABLE FOR REVIEW AT THE POLICE COMMISSION OFFICE, THOMAS J. CAHILI OF JUSTICE, 850 BRYANT STREET, ROOM 505, SAN FRANCISCO, CA 94103, DURING NORMAL BUSINESS HOU**

Contact SFGov Accessibility Policies
City and County of San Francisco ©2000-2013

NOVEMBER 2, 2011 REGULAR MEETING

The Police Commission of the City and County of San Francisco met in Room 400, City Hall, #1 Dr. Carlton B. Goodlett Place, San Francisco, at 5:35 p.m.

PRESENT: Commissioners Mazzucco, Marshall, DeJesus, Chan, Kingsley, Slaughter, Turman

CONSENT CALENDAR

- **Request of the Chief of Police to accept donation of $1,000.00 from Ms. Karen Fireman for use of the SFPD Mounted Unit**

Motion by Commissioner Chan, second by Commissioner Kingsley.
Approved 7-0

RESOLUTION NO. 11-86

APPROVAL OF REQUEST OF THE CHIEF OF POLICE TO ACCEPT DONATION OF $1,000.00 FROM MS. KAREN FIREMAN FOR USE OF THE SFPD MOUNTED UNIT

RESOLVED, that the Police Commission approves the request of the Chief of Police to accept donation of $1,000.00 from Ms. Karen Fireman for use of the SFPD Mounted Unit.

AYES: Commissioners Mazzucco, Marshall, DeJesus, Chan, Kingsley, Slaughter, Turman

- **SFPD/OCC's 3rd Quarter Status Report of General Orders/Policy Proposals**

Ms. Marion stated that the OCCs priority would be to move DGO 5.05.

Sergeant Ray Ragona, Written Directives, appeared for the Department and presented the 3rd Quarter Status Report of General Orders/Policy Proposals.

Motion by Commissioner Kingsley, second by Commissioner Marshall.
Approved 7-0.

PUBLIC COMMENT
None

PUBLIC COMMENT

Clyde commended the Commission for being a strong oversight committee.

REPORTS AND ANNOUNCEMENTS

a. **Chief's Report**
- **Review of recent activities**
- **"Topic of the Month" Domestic Violence/Special Victims Unit Overview**

Chief Suhr talked about recent events he attended during the past two weeks. He also talked about attending the Major City Chiefs of Police Conference in Chicago. The Chief then went on to talk about crime statistics.

The Chief then gave a brief update in regards to Occupy SF. The Chief also updated the Commission in regards to the recent officer-involved collision.

Topic of the Month put over for a future date.

b. **OCC Director's Report**
- **Review of recent activities**

Director Hicks reported on complaint statistics in regards to Occupy SF.

c. **Commission Reports**
- **Commission President's Report**

GOVERNMENT DOCUMENTS DEPT
JAN - 9 2012
SAN FRANCISCO PUBLIC LIBRARY

- **Commissioners' Reports**

Commissioner Mazzucco reported on attending the Marina Neighborhood Association meeting and reported on the opening of the Special Victims Unit in the Hall of Justice. Commissioner Mazzucco also talked about attending the Government Oversight and Audit Committee with Director Hicks.

Commissioner Kingsley talked about attending the Arab American Heritage Celebration last week.

Commissioner Turman talked about visiting the OCC and thanked Director Hicks and her staff for a very thorough presentation.

Commissioner Marshall talked about a new Ambassador Group in the Market Street area.

d. **Commission Announcements, scheduling of items identified for consideration at future Commission meetings**

No announcement.

Commissioner Mazzucco talked about a recent article in the Chronicle in regards to the disciplinary case docket.

Commissioner Slaughter asked to talked about the idea of how often the Commission should meet and to consider meeting twice a month rather than four times a month.

Commissioner Turman agrees with Commissioner Slaughter and hope to have that discussion.

Commissioner Kingsley stated that she agrees with Commissioner Slaughter.

PUBLIC COMMENT

Clyde acknowledged other Commissioners who should also be commended in regards to the disciplinary docket.

Tom Silhorst discussed concerns in regards to Patrol Special Officers.

Carla, Counsel for Occupy SF, talked about two officers taking down a tent and spoke in regards to concerns about Lt. McNaughton.

PUBLIC COMMENT ON ALL MATTERS PERTAINING TO CLOSED SESSION

None

VOTE ON WHETHER TO HOLD CLOSED SESSION

Motion by Commissioner Marshall, second by Commissioner Chan. Approved 7-0.

CLOSED SESSION (6:15 p.m. to 6:30 p.m.)

a. **CONFERENCE WITH LEGAL COUNSEL**
Mary Jenn v. CCSF., San Francisco Superior Court No. 505363. Discussion and possible action to recommend that the Board of Supervisors approve recommended settlement in the action. (Resolution No. 11-87)

(PRESENT: Commissioners Mazzucco, Marshall, DeJesus, Chan, Kingsley, Slaughter, Turman, Lieutenant Falvey, Risa Tom, Chief Suhr, Commander Tomioka, Deputy City Attorney Porter)

Motion by Commissioner Kingsley, second by Commissioner DeJesus. Approved 7-0.

b. **CONFERENCE WITH LEGAL COUNSEL**

George & Vickie Bourdouris and Capital Ins. Group v. CCSF., Unlitigated Claim No. 11-00689. Discussion and possible action to recommend that the Board of Supervisors approve recommended settlement in the action. (Resolution No. 11-88)

(PRESENT: Commissioners Mazzucco, Marshall, DeJesus, Chan, Kingsley, Slaughter, Turman, Lieutenant Falvey, Risa Tom, Chief Suhr, Commander Tomioka, Deputy City Attorney Porter)

Motion by Commissioner DeJesus, second by Commissioner Kingsley. Approved 7-0.

c. **PERSONNEL EXCEPTION: Status and calendaring of pending disciplinary cases**

(PRESENT: Commissioners Mazzucco, Marshall, DeJesus, Chan, Kingsley, Slaughter, Turman, Lieutenant Falvey, Risa Tom, Chief Suhr, Commander Tomioka, Deputy City Attorney Porter)

VOTE TO ELECT WHETHER TO DISCLOSE ANY OR ALL DISCUSSION HELD IN CLOSED SESSION

Motion by Commissioner Marshall, second by Commissioner Chan for non disclosure. Approved 7-0.

PUBLIC COMMENT

None

ADJOURNMENT

Motion by Commissioner Turman, second by Commissioner DeJesus. Approved 7-0

Thereafter, the meeting was adjourned at 6:30 p.m.

_____

Lieutenant Timothy Falvey
Secretary
San Francisco Police Commission

1071/rct

November 9, 2011 (Notice of Cancellation of Meeting)

SAN FRANCISCO POLICE COMMISSION

SAN FRANCISCO POLICE COMMISSION AGENDA

CANCELLED

REGULAR MEETING

WEDNESDAY, November 9, 2011

5:30 p.m.

Thomas Mazzucco
President

Dr. Joe Marshall
Vice President

Petra DeJesus
Commissioner

L. Julius M. Turman
Commissioner

Angela Chan Commissioner

Carol Kingsley
Commissioner

R. James Slaughter Commissioner

Lt. Timothy Falvey
Secretary

The Police Commission regrets that the meeting scheduled for Wednesday, November 9, 2011 has been cancelled. Please join the Commission at its next meeting on Wednesday, November 16, 2011, at 5:30pn Room 400, City Hall.

GOVERNMENT
DOCUMENTS DEPT

DEC 23 2013

SAN FRANCISCO
PUBLIC LIBRARY

City and County of San Francisco ©2000-2013

November 16, 2011

SAN FRANCISCO POLICE COMMISSION

SAN FRANCISCO POLICE COMMISSION AGENDA

REGULAR MEETING

WEDNESDAY, NOVEMBER 16, 2011

5:30 p.m.

City Hall, Room 400

#1 Dr. Carlton B. Goodlett Place

San Francisco, California

Thomas Mazzucco
President

Dr. Joe Marshall
Vice President

Petra DeJesus
Commissioner

L. Julius M. Turman
Commissioner

Angela Chan Commissioner

Carol Kingsley
Commissioner

R. James Slaughter Commissioner

Lt. Timothy Falvey
Secretary

GOVERNMENT
DOCUMENTS DEPT

DEC 23 2013

SAN FRANCISCO
PUBLIC LIBRARY

Pledge of Allegiance; Roll Call

1. Consent Calendar (RECEIVE & FILE; ACTION)
- Secure Communities Monthly Audit, time period of March through April 2011, May through Jur 2011, July through August 2011, and September through October 2011

2. General Public Comment
(The public is now welcome to address the Commission regarding items that do not appear on tor agenda but that are within the subject matter jurisdiction of the Commission. Speakers shall add their remarks to the Commission as a whole and not to individual Commissioners or Department OCC personnel. Under Police Commission Rules of Order, during public comment, neither Police OCC personnel, nor Commissioners are required to respond to questions presented by the public may provide a brief response. Individual Commissioners and Police and OCC personnel should re however, from entering into any debates or discussion with speakers during public comment. Ple limit your comments to three (3) minutes.)

3. Reports and Announcements
a. Chief's report (DISCUSSION)
- Review of recent activities
b. OCC Director's report (DISCUSSION)
- Review of recent activities
c. Commission reports (DISCUSSION)
- Commission President's report

- Commissioners' reports
d. Commission announcements and scheduling of items identified for consideration at future Commission meetings (ACTION)

4. Department's Crisis Intervention Training (CIT) Working Group Update (DISCUSSION)

5. Discussion and possible action regarding whether the Police Commission should continue to authorize and supervise Assistant Patrol Special Officers, and to provide an interpretation of Rul and Rule 4.12 regarding the beats of Patrol Special Serge White Serge White (DISCUSSION & POSSIBLE ACTION)

6. Public comment on all matters pertaining to Item 8 below, Closed Session, including public comment on vote whether to hold Item 8 in closed session.

7. Vote on whether to hold Item 8 in Closed Session (ACTION)

8. Closed Session
Roll Call;

a. Pursuant to Government Code Section 54957 and San Francisco Administrative Code Section 67.10(b) and Penal Code Section 832.7:
PERSONNEL EXCEPTION: Discussion and possible action to adopt Findings of Fact and Conclusi Law filed in Case No. IVF C09-143, decision of March 30, 2011 (ACTION)

b. Pursuant to Government Code Section 54957(b)(1) and San Francisco Administrative Code Sec 67.10(b) and Penal Code Section 832.7:
PUBLIC EMPLOYEE PERFORMANCE EVALUATION:
Director, Office of Citizen Complaints: Joyce Hicks
(DISCUSSION)

c. Pursuant to Government Code Section 54957(b)(1) and San Francisco Administrative Code Sec 67.10(b) and Penal Code Section 832.7:
PERSONNEL EXCEPTION: Status and calendaring of pending disciplinary cases (DISCUSSION A POSSIBLE ACTION)

(OPEN SESSION) Roll Call.

9. Vote to elect whether to disclose any or all discussion on Item 8 held in closed session (San Francisco Administrative Code Section 67.12(a)) (ACTION)

10. Adjournment (ACTION ITEM)
**** SUPPORTING DOCUMENTATION FOR POLICE COMMISSION AGENDA ITEMS THAT ARE NO CONFIDENTIAL AND DOCUMENTATION THAT HAVE BEEN DISTRIBUTED TO THE COMMISSI AFTER DISTRIBUTION OF THE AGENDA PACKETS ARE AVAILABLE FOR REVIEW AT THE POL COMMISSION OFFICE, THOMAS J. CAHILL HALL OF JUSTICE, 850 BRYANT STREET, ROOM 5 SAN FRANCISCO, CA 94103, DURING NORMAL BUSINESS HOURS**

City and County of San Francisco ©2000-2013

NOVEMBER 16, 2011 **REGULAR MEETING**

The Police Commission of the City and County of San Francisco met in Room 400, City Hall, #1 Dr. Carlton B. Goodlett Place, San Francisco, at 5:33 p.m.

PRESENT: Commissioners Mazzucco, Marshall, DeJesus, Chan, Kingsley, Slaughter
ABSENT: Commissioner Turman

(Commissioner Marshall arrived at 5:47 p.m.)

CONSENT CALENDAR

- **Secure Communities Monthly Audit, time period of March through April 2011, May through June 2011, July through August 2011, and September Through October 2011**

Motion by Commissioner Chan, second by Commissioner Kingsley. Approved 6-0.

PUBLIC COMMENT

Ray Hartz read Sunshine Ordinance 67.19(a) and complained about online agenda not having explanatory documents.

Clyde spoke in regards to Guelff memorial.

Tom Silhorst discussed concerns regarding the Mayor not enforcing laws regarding Occupy SF and wants Mayor to enforce the law.

DEPARTMENT'S CRISIS INTERVENTION TRAINING (CIT) WORKING GROUP UPDATE

Taken out of order.

Commander Ali presented the update of the Department's Crisis Intervention Training working group.

Mr. Michael Goss presented the update from the advocates.

PUBLIC COMMENT

Ray Hartz stated that rapid deployment of CIT plan is very positive.

Clyde talked about verdict in the wheelchair shooting incident.

REPORTS AND ANNOUNCEMENTS

a. Chief's Report
- **Review of recent activities**

Chief Suhr talked about recent activities including the Adachi press conference, Operation Dream, Wellness Program et cetera.

b. OCC Director's Report
- **Review of recent activities**

Director Hicks gave a brief update on complaint statistics and talked about the Mediation Program and recent events she attended.

c. Commission Reports
- **Commission President's Report**
- **Commissioners' Reports**

Commissioner Mazzucco thanked the Chief for having the Retirement Ceremony and the Guelff Memorial.

d. Commission Announcements, scheduling of items identified for consideration at future Commission meetings

Commissioner Mazzucco would like to discuss rule change in having two meetings per month.

GOVERNMENT DOCUMENTS DEPT
JAN - 9 2012
SAN FRANCISCO PUBLIC LIBRARY

PUBLIC COMMENT

Ray Hartz commended the Chief on new lineup photo spread procedure and talked about the Retirement Ceremony and Occupy SF.

DISCUSSION AND POSSIBLE ACTION REGARDING WHETHER THE POLICE COMMISSION SHOULD CONTINUE TO AUTHORIZE AND SUPERVISE ASSISTANT PATROL SPECIAL OFFICERS, AND TO PROVIDE AN INTERPRETATION OF RULE 4.11 AND RULE 4.12 REGARDING THE BEATS OF PATROL SPECIAL SERGE WHITE

Sergeant Jusino, Patrol Special liaison, addressed the Commission in regards to this item.

PUBLIC COMMENT

Tom Silhorst discussed concerns regarding the Patrol Special program.

Ray Hartz stated that this is a private sector issue and offered some suggestions as to meaningful changes.

Jon Gray showed Examiner article.

Patrol Special Byard discussed concerns with their liaison officers, background process, and talked about a CD containing the various POST certificates of patrol special officers.

PUBLIC COMMENT ON ALL MATTERS PERTAINING TO CLOSED SESSION

No public comment.

VOTE ON WHETHER TO HOLD ITEM 6 IN CLOSED SESSION, INCLUDING VOTE ON WHETHER TO ASSERT THE ATTORNEY-CLIENT PRIVILEGE WITH REGARD TO ITEMS 6(d) and 6(e)

Motion by Commissioner DeJesus, second by Commissioner Marshall. Approved 6-0.

CLOSED SESSION (7:08 p.m. to 8:40 p.m.)

a. **PERSONNEL EXCEPTION: Discussion and possible action to adopt Findings of Fact and Conclusion of Law filed in Case No. IVF C09-143, decision of March 30, 2011**

(PRESENT: Commissioners Mazzucco, Marshall, DeJesus, Chan, Kingsley, Slaughter, Lieutenant Falvey, Chief Suhr, Commander Tomioka, Deputy City Attorney Zarefsky, Attorney Fraenkel, Attorney Driscoll) (Resolution No. 11-89)

b. **PUBLIC EMPLOYEE PERFORMANCE EVALUATION**
Director, Office of Citizen Complaints: Joyce Hicks

(PRESENT: Commissioners Mazzucco, Marshall, DeJesus, Chan, Kingsley, Slaughter, , Lieutenant Falvey)

Put over to November 30th.

c. **PERSONNEL EXCEPTION: Status and calendaring of pending disciplinary cases**

(PRESENT: Commissioners Mazzucco, Marshall, DeJesus, Chan, Kingsley, Slaughter, Lieutenant Falvey)

No discussion.

VOTE TO ELECT WHETHER TO DISCLOSE ANY OR ALL DISCUSSION HELD IN CLOSED SESSION

Motion by Commissioner Kingsley, second by Commissioner Marshall for non disclosure. Approved 6-0

PUBLIC COMMENT

None

ADJOURNMENT

Motion by Commissioner Mazzucco to adjourn the meeting in memory of retired member Leighton Michael Duffy who recently passed away, second by Commissioner DeJesus. Approved 6-0

Thereafter, the meeting was adjourned at 8:45 p.m., in memory of retired member Leighton Michael Duffy.

_____

Lieutenant Timothy Falvey
Secretary
San Francisco Police Commission

1071/rct

November 23, 2011 (No Meeting Notice)

SAN FRANCISCO POLICE COMMISSION

SAN FRANCISCO POLICE COMMISSION AGENDA

No Meeting Notice

WEDNESDAY, November 23, 2011

Thomas Mazzucco
President

Dr. Joe Marshall
Vice President

Petra DeJesus
Commissioner

L. Julius M. Turman
Commissioner

Angela Chan Commissioner

Carol Kingsley
Commissioner

R. James Slaughter Commissioner

Lt. Timothy Falvey
Secretary

The Police Commission will not meet on Wednesday, November 23, 2011
Please join the Commission at its next meeting on

Wednesday, November 30, 2011
at 5:30 p.m.
City Hall, Room 400

GOVERNMENT
DOCUMENTS DEPT

DEC 23 2013

SAN FRANCISCO
PUBLIC LIBRARY

Contact SFGov Accessibility Policies
City and County of San Francisco ©2000-2013

November 30, 2011

SAN FRANCISCO POLICE COMMISSION

SAN FRANCISCO POLICE COMMISSION AGENDA

REGULAR MEETING

WEDNESDAY, NOVEMBER 30, 2011

5:30 p.m.

City Hall, Room 400

#1 Dr. Carlton B. Goodlett Place

San Francisco, California

Thomas Mazzucco
President

Dr. Joe Marshall
Vice President

Petra DeJesus
Commissioner

L. Julius M. Turman
Commissioner

Angela Chan Commissioner

Carol Kingsley
Commissioner

R. James Slaughter Commissioner

Lt. Timothy Falvey
Secretary

GOVERNMENT
DOCUMENTS DEPT

DEC 23 2013

SAN FRANCISCO
PUBLIC LIBRARY

Pledge of Allegiance; Roll Call

1. General Public Comment
(The public is now welcome to address the Commission regarding items that do not appear on tonight's agend that are within the subject matter jurisdiction of the Commission. Speakers shall address their remarks to the Commission as a whole and not to individual Commissioners or Department or OCC personnel. Under Police Commission Rules of Order, during public comment, neither Police or OCC personnel, nor Commissioners are required to respond to questions presented by the public but, may provide a brief response. Individual Commissioners and Police and OCC personnel should refrain, however, from entering into any debates or discussion with speakers during public comment. Please limit your comments to three (3) minutes.)

2. Reports and Announcements
a. Chief's report (DISCUSSION)
- Review of recent activities
- Report regarding Behavioral Science Unit Survey Results
b. OCC Director's report (DISCUSSION)
- Review of recent activities
- Presentation of the OCC's Quarterly Reports 3rd Quarter 2011
- Presentation of the OCC's Monthly Comprehensive Statistical Report & Companion Reports for the periods Ja 1, 2011 through October 31, 2011 and January 1, 2010 through October 31, 2010 and Adjudication of Sustained Complaints in October 2011
c. Commission reports (DISCUSSION)

- Commission President's report
- Commissioners' reports
d. Commission announcements and scheduling of items identified for consideration at future Commission me (ACTION)

3. Discussion and possible action to declare Property located at 2300 Third Street as surplus to the Police Department's need and to recommend to the Director of Real Estate to sell or transfer said Property in accorda with applicable state and local requirements (ACTION)

4. Discussion and possible action to return disciplinary charges filed against Patrol Special officer Alan Byard, No. KMO C09-1257 to the Chief's level for disposition (ACTION)

5. Public comment on all matters pertaining to Item 7 below, Closed Session, including public comment on vot whether to hold Item 7 in closed session.

6. Vote on whether to hold Item 7 in Closed Session (ACTION)

7. Closed Session
Roll Call;

a. Pursuant to Government Code Section 54957 and San Francisco Administrative Code Section 67.10(b) and P Code Section 832.7:
PERSONNEL EXCEPTION: Assignment of amended specifications to an individual Commissioner and discussi possible action to accept, reject, or take other action regarding a proposed Stipulated Agreement filed in Case ALW C11-015 (ACTION ITEM)

b. Pursuant to Government Code Section 54957(b)(1) and San Francisco Administrative Code Section 67.10(b) Penal Code Section 832.7:
PUBLIC EMPLOYEE PERFORMANCE EVALUATION:
Director, Office of Citizen Complaints: Joyce Hicks
(DISCUSSION)

c. Pursuant to Government Code Section 54957(b)(1) and San Francisco Administrative Code Section 67.10(b) Penal Code Section 832.7:
PERSONNEL EXCEPTION: Status and calendaring of pending disciplinary cases (DISCUSSION AND POSSIBLE ACTION)

(OPEN SESSION) Roll Call.

8. Vote to elect whether to disclose any or all discussion on Item 7 held in closed session (San Francisco Administrative Code Section 67.12(a)) (ACTION)

9. Adjournment (ACTION ITEM)
**** SUPPORTING DOCUMENTATION FOR POLICE COMMISSION AGENDA ITEMS THAT ARE NOT CONFIDENTI AND DOCUMENTATION THAT HAVE BEEN DISTRIBUTED TO THE COMMISSION AFTER DISTRIBUTION OF T AGENDA PACKETS ARE AVAILABLE FOR REVIEW AT THE POLICE COMMISSION OFFICE, THOMAS J. CAHILI OF JUSTICE, 850 BRYANT STREET, ROOM 505, SAN FRANCISCO, CA 94103, DURING NORMAL BUSINESS HOU**

City and County of San Francisco ©2000-2013

NOVEMBER 30, 2011 **REGULAR MEETING**

The Police Commission of the City and County of San Francisco met in Room 400, City Hall, #1 Dr. Carlton B. Goodlett Place, San Francisco, at 5:45 p.m.

PRESENT: Commissioners Mazzucco, Marshall, DeJesus, Chan, Kingsley, Turman
ABSENT: Commissioner Slaughter

(Commissioner Turman arrived at 5:55 p.m.)

PUBLIC COMMENT

Tom Silhorst discussed concerns regarding the Patrol Special Program and discussed concerns regarding a letter received from the Chief and Lt. Yick in regards to his arrest.

Clyde commented regarding a settlement with the City for $75,000 and discussed Tasers. (Handed the Commissioners copy of newspaper article titled, "Tasers Now Carried by Most Officers," from the Chagrin Valley Times.)

Barbara Groth discussed concerns about her ex-husband.

REPORTS AND ANNOUNCEMENTS

a. Chief's Report
- **Review of recent activities**
- **Report regarding Behavioral Science Unit Survey Results**

Chief Suhr gave a brief crime statistical update and went on to talk about recent activities of the past week.

The Chief then talked about the Behavioral Science Unit Survey results.

b. OCC Director's Report
- **Review of recent activities**
- **Presentation of the OCC's Quarterly Reports 3rd Quarter 2011**
- **Presentation of the OCC's Monthly Comprehensive Statistical Report & Companion Reports for the periods January 1, 2011 through October 31, 2011 and January 1, 2010 through October 31, 2010 and Adjudication of Sustained Complaints in October 2011**

Director Hicks presented the OCC's Quarterly Reports 3rd Quarter 2011 and the Monthly Comprehensive Statistical Report & Companion Reports.

c. Commission Reports
- **Commission President's Report**
- **Commissioners' Reports**

Commissioner Mazzucco has no report.

d. Commission Announcements, scheduling of items identified for consideration at future Commission meetings

Lt. Falvey announced that Commission will meet on December 14th for the Medal of Valor Awards Ceremony.

PUBLIC COMMENT

Barbara Groth discussed concerns regarding the Occupy movement and police brutality.

Unidentified discussed concerns about the Department not answering calls for service.

DISCUSSION AND POSSIBLE ACTION TO DECLARE PROPERTY LOCATED AT 2300 THIRD STREET AS SURPLUS TO THE POLICE DEPARTMENT'S NEED AND TO RECOMMEND TO THE DIRECTOR OF REAL ESTATE TO SELL OR TRANSFER SAID PROPERTY IN ACCORDANCE WITH APPLICABLE STATE AND LOCAL REQUIREMENTS

GOVERNMENT DOCUMENTS DEPT
JAN - 9 2012
SAN FRANCISCO PUBLIC LIBRARY

Lieutenant Raj Vaswani gave a brief overview of the old Potrero Station and explained as to why it is declared as surplus property.

John Updike, Director of Real Estate, gave a brief background as to why this item is going before the Commission at this time.

Commissioner Mazzucco asked that this item be tabled and continued for next week.

Commissioner Turman would like to see a draft MOU.

PUBLIC COMMENT

Bryan Reed lives behind the property and stated that his goal is to acquire the building for a for profit business to help generate profit for the Department and asked the Commission to move forward with the recommendation by the Real Estate Department.

Tom Silhorst discussed concerns regarding the process.

Motion by Commissioner Mazzucco to calendar this item for the second week of January.

DISCUSSION AND POSSIBLE ACTION TO RETURN DISCIPLINARY CHARGES FILED AGAINST PATROL SPECIAL OFFICER ALAN BYARD, CASE NO. KMO C09-0157 TO THE CHIEF'S LEVEL FOR DISPOSITION

Ms. Worsham, Attorney at Law, was present on behalf of the Department.

PSO Byard was also present.

PUBLIC COMMENT

Tom Silhorst discussed concerns regarding patrol special officers and asked that they be put out of business.

Motion by Commissioner Marshall to return case to the Chief's Level, second by Commissioner Mazzucco. Approved 5-0.

RESOLUTION 11-90

APPROVAL OF THE REQUEST OF THE CHIEF OF POLICE TO RETURN DISCIPLINARY CHARGES FILED AGAINST PATROL SPECIAL ALAN BYARD, STAR NO. 2540, (FILE NO. KMO C09-157), TO THE POLICE CHIEF'S LEVEL

RESOLVED, that the Police Commission hereby approves the request of the Chief of Police to return disciplinary charges filed against Patrol Special Officer Alan Byard, Star No. 2540, to the Chief's level to be handled administratively; and

FURTHER RESOLVED, that said disciplinary charges filed against Patrol Special Officer Alan Byard, Star No. 2540, be taken off calendar.

AYES: Commissioners Mazzucco, Marshall, Chan, Kingsley, Turman
ABSENT: Commissioners DeJesus, Slaughter

PUBLIC COMMENT ON ALL MATTERS PERTAINING TO CLOSED SESSION

None

VOTE ON WHETHER TO HOLD CLOSED SESSION

Motion by Commissioner Marshall, second by Commissioner Chan. Approved 5-0.

CLOSED SESSION (7:20 p.m. to 9:00 p.m.)

PUBLIC EMPLOYEE PERFORMANCE EVALUATION:
Director, Office of Citizen Complaints: Joyce Hicks
(PRESENT: Commissioners Mazzucco, Marshall, Chan, Kingsley, Turman, Director Hicks)

Taken out of order

PERSONNEL EXCEPTION: Assignment of amended specifications to an individual Commissioner and discussion and possible action to accept, reject, or take other action regarding a proposed Stipulated Agreement filed in Case No. ALW C11-015
(Resolution 11-91)

(PRESENT: Commissioners Mazzucco, Marshall, Chan, Kingsley, Turman, Lieutenant Falvey, Risa Tom, Chief Suhr, Commander Tomioka, Deputy City Attorney Porter, Attorney Worsham, Mr. Steve Johnson, and member involved) Assigned to Commissioner DeJesus.

PERSONNEL EXCEPTION: Status and calendaring of pending disciplinary cases
(PRESENT: Commissioners Mazzucco, Marshall, Chan, Kingsley, , Turman, Lieutenant Falvey, Risa Tom, Chief Suhr, Commander Tomioka, Deputy City Attorney Porter)

No discussion

VOTE TO ELECT WHETHER TO DISCLOSE ANY OR ALL DISCUSSION HELD IN CLOSED SESSION

Motion by Commissioner Turman, second by Commissioner Chan for non disclosure. Approved 5-0.

PUBLIC COMMENT
None

ADJOURNMENT

Motion by Commissioner Turman, second by Commissioner Kingsley. Approved 5-0

Thereafter, the meeting was adjourned at 9:00 p.m.

_____
Lieutenant Timothy Falvey
Secretary
San Francisco Police Commission

1071/rct

DECEMBER 7, 2011 **REGULAR MEETING**

The Police Commission of the City and County of San Francisco met in Room 400, City Hall, #1 Dr. Carlton B. Goodlett Place, San Francisco, at 5:35 p.m.

PRESENT: Commissioners Mazzucco, Marshall, DeJesus, Chan, Kingsley, Turman
ABSENT: Commissioner Slaughter

(Commissioner Kingsley arrived at 5:56 p.m. Commissioner Marshall is excused at 9:25 p.m.)

CONSENT CALENDAR

- **Request of the Chief of Police to accept donation for Mission Station of a 42-inch flat panel Westinghouse LED Television, from Best Buy, 1717 Harrison Street, valued at approximately $500.00**

Motion by Commissioner Marshall, second by Commissioner Chan. Approved 5-0.

RESOLUTION NO. 11-92

APPROVAL OF THE REQUEST OF THE CHIEF OF POLICE TO ACCEPT DONATION FOR MISSION STATION OF A 42-INCH FLAT PANEL WESTINGHOUSE LED TELEVISION, FROM BEST BUY, 1717 HARRISON STREET, VALUED AT APPROXIMATELY $500.00

RESOLVED, that the Police Commission hereby approves the request of the Chief of Police to accept donation for Mission Station of a 42-inch flat panel Westinghouse LED Television, from Best Buy, 1717 Harrison Street, valued at approximately $500.00.

AYES: Commissioners Mazzucco, Marshall, DeJesus, Chan, Turman
ABSENT: Commissioners Kingsley, Slaughter

PUBLIC COMMENT

Darnicia Wright discussed concerns regarding her OCC complaint and showed a picture of a car accident and concerns regarding receiving a $500 ticket for littering.

Ace Washington talked about a task force in regards to the African American Community and discussed concerns about discrimination in San Francisco.

Philip Oye, Occupy SF, discussed the use of force by Officer Reyes and asked for peace from the SFPD.

Michael Goldman, Occupy SF, discussed concerns about being arrested for a vehicle code violation.

Rose discussed concerns regarding being shoved for sitting down and discussed concerns about over reaction by police.

Tom Silhorst thanked the Chief for doing his job and discussed concerns regarding the Patrol Special Program and talked about the SF Weekly Nov. 30th article.

Clyde talked about the raid on Occupy SF and commended the professionalism of the officers.

Unidentified, Occupy SF, talked about set up of barricades and not getting a straight answer.

Carl Keener, Russian Hill resident, supporter of the Occupy movement, hopes that the lines of communication be open.

UPDATE REGARDING IMPLEMENTATION OF DGO 5.20, "LANGUAGE ACCESS SERVICES FOR LIMITED ENGLISH PROFICIENT (LEP) PERSONS"

Taken out of order.

Officer Henry Ha presented the update regarding implementation of DGO 5.20, "Language Access Services for Limited English Proficient (LEP) Persons"

Ms. Samara Marion, OCC Policy Analyst, presented an update in regards to Language Access and talked about the OCC's recommendations in regards to Language Access.

Ms. Beverly Upton, Domestic Violence Consortium, talked about the issues facing domestic violence victims as it relates to language access.

PUBLIC COMMENT

Heidi, Part of Domestic Violence Consortium, discussed inaccuracy of police reports when individuals involved are non English speakers.

Mike discussed concerns regarding the officer's discretion and went on to discuss Occupy SF.

Barbara Groth discussed concerns.

Ernest Tachihara discussed being asked to translate while working as an assistant patrol special and stated that understanding the culture is important in order to communicate.

REPORTS AND ANNOUNCEMENTS

a. Chief's Report

- Review of recent activities

- Update regarding implementation of DGO 1.08, "Community Policing"

Chief Suhr gave a brief crime statistical update and went on to talk about recent activities like Operation Dream and Make-a-Wish events. The Chief also talked about the new CIT class that started this week. The Chief also briefed the Commission in regards to Occupy SF.

The Chief then went on to present the update regarding implementation of DGO 1.08, "Community Policing."

Commissioner Mazzucco thanked the Chief and the officers for their professionalism in dealing with Occupy SF.

b. OCC Director's Report

- Review of recent activities

Director Hicks talked about the Department head meeting held yesterday and talked about budget reduction for the coming years.

c. Commission Reports

- Commission President's Report

- Commissioners' Reports

Commissioner Mazzucco has no report.

d. Commission Announcements, scheduling of items identified for consideration at future Commission meetings

Lt. Falvey announced that the next regular Commission meeting will be on January 4th.

Commissioner Kingsley would like to get preliminary thoughts in regards to the budget from both the OCC and the Department. Commissioner Kingsley would also like to discuss future district meetings for the whole year of 2012.

PUBLIC COMMENT

David Dalh spoke in regards to the Community Policing DGO and how important it is to promote trust between the community and the police.

Tom Silhorst discussed ambiguity in rules regarding patrol specials and went on to talk about commissioners complaining about police brutality in regards to Occupy SF.

DISCUSSION AND POSSIBLE ACTION TO SUSTAIN OR NOT SUSTAIN DISCIPLINARY CHARGES FILED AGAINST ASSISTANT PATROL SPECIAL OFFICER ERNEST TACHIHARA (FILE NO. ALW C11-036), AND TO DECIDE PENALTY, IF NECESSARY

Ms. Ashley Worsham, Attorney at Law, appeared on behalf of the Department.

Assistant Patrol Special Tachihara was present and represented himself.

(Taken in shorthand form by Ms. Anna Greenley, CSR., Roomian & Associates)

PUBLIC COMMENT

Tom Silhorst stated that all Patrol Specials violate the rules and all patrol specials should be punished.

PUBLIC COMMENT ON ALL MATTERS PERTAINING TO CLOSED SESSION

None

VOTE ON WHETHER TO HOLD CLOSED SESSION

Motion by Commissioner Marshall, second by Commissioner DeJesus Approved 6-0.

CLOSED SESSION (8:18 p.m. – 9:13 p.m.)

PERSONNEL EXCEPTION: Discussion and possible action to issue Police Commission subpoenas in the matter of Case No. JWA C11-194
(PRESENT: Commissioners Mazzucco, Marshall, DeJesus, Chan, Kingsley, Turman, Chief Suhr, Commander Tomioka, Director Hicks, Deputy City Attorney Blits, Lieutenant Falvey, Risa Tom, Attorney Alden, Attorney Stiglich, Attorney Fortes, Mr. Johnson)

Motion by Commissioner DeJesus, second by Commissioner Kingsley. Approved 6-0.

PERSONNEL EXCEPTION: Discussion and possible action to issue Police Commission subpoenas in the matter of Case No. JWA C11-001
(PRESENT: Commissioners Mazzucco, Marshall, DeJesus, Chan, Kingsley, Turman, Lieutenant Falvey, Risa Tom, Chief Suhr, Commander Tomioka Director Hicks, Deputy City Attorney Blits, Attorney Alden, Attorney Stiglich, Attorney Fortes, Mr. Johnson)

Motion by Commissioner DeJesus, second by Commissioner Kingsley. Approved 6-0.

PERSONNEL EXCEPTION: Discussion and possible action to accept, reject, or take other action regarding a proposed Stipulated Agreement filed in Case No. RMF C11-189
(PRESENT: Commissioners Mazzucco, Marshall, DeJesus, Chan, Kingsley, Turman, Lieutenant Falvey, Risa Tom, Chief Suhr, Commander Tomioka, Director Hicks, Deputy City Attorney Blits, Attorney Fortes, Attorney Stiglich, Mr. Johnson, and member involved)

Motion by Commissioner Mazzucco, second by Commissioner DeJesus to accept stipulated agreement. Approved 4-2.

PERSONNEL EXCEPTION: Discussion and possible action to adopt Findings of Fact and Conclusion of Law filed in Case No. IVF C09-087, decision of July 13, 2011
(PRESENT: Commissioners Mazzucco, Marshall, DeJesus, Chan, Kingsley, Turman, Lieutenant Falvey, Risa Tom, Commander Tomioka, Director Hicks, Deputy City Attorney Blits, Attorney Fortes, Attorney Stiglich)

Taken out of order and put over to January 11, 2012.

PERSONNEL EXCEPTION: Status and calendaring of pending disciplinary cases
(PRESENT: Commissioners Mazzucco, Marshall, Chan, Kingsley, , Turman, Lieutenant Falvey, Risa Tom, Chief Suhr, Commander Tomioka, Deputy City Attorney Porter)

No discussion

VOTE TO ELECT WHETHER TO DISCLOSE ANY OR ALL DISCUSSION HELD IN CLOSED SESSION

Motion by Commissioner Kingsley, second by Commissioner Mazzucco for non disclosure. Approved 6-0.

PUBLIC COMMENT
None

DISCUSSION AND POSSIBLE ACTION TO SUSTAIN OR NOT SUSTAIN DISCIPLINARY CHARGES FILED AGAINST ASSISTANT PATROL SPECIAL OFFICER ERNEST TACHIHARA (FILE NO. ALW C11-036), AND TO DECIDE PENALTY, IF NECESSARY

Ms. Ashley Worsham, Attorney at Law, appeared on behalf of the Department.

Assistant Patrol Special Tachihara was present and represented himself.

Settlement reached and will be put over to January 4, 2012.

(Taken in shorthand form by Ms. Anna Greenley, CSR., Roomian & Associates)

PUBLIC COMMENT

Motion by Commissioner Chan to reopen public comment, second by Commissioner DeJesus. Approved 4-1.

Shoshana discussed concerns regarding Occupy SF raid.
Ken Tray discussed concerns regarding Occupy SF raid.
Dottie Guy discussed concerns regarding Occupy SF raid.
Jaron Brown discussed concerns regarding Occupy SF raid.

ADJOURNMENT

Motion by Commissioner Turman, second by Commissioner Kingsley. Approved 5-0

Thereafter, the meeting was adjourned at 9:26 p.m.

_____
Lieutenant Timothy Falvey
Secretary
San Francisco Police Commission

1071/rct

GOVERNMENT
DOCUMENTS DEPT

DEC - 2 2011

SAN FRANCISCO
PUBLIC LIBRARY

The Police Commission

CITY AND COUNTY OF SAN FRANCISCO

THOMAS MAZZUCCO
President

DR. JOE MARSHALL
Vice President

PETRA DEJESUS
Commissioner

ANGELA CHAN
Commissioner

CAROL KINGSLEY
Commissioner

R. JAMES SLAUGHTER
Commissioner

L. JULIUS TURMAN
Commissioner

Lieutenant Timothy Falvey
Secretary

SAN FRANCISCO POLICE COMMISSION AGENDA
REGULAR MEETING
WEDNESDAY, DECEMBER 7, 2011
5:30 p.m.

CITY HALL, ROOM 400
#1 Dr. Carlton B. Goodlett Place
San Francisco, California

Pledge of Allegiance; Roll Call

1. **Consent Calendar** (RECEIVE & FILE; ACTION)
   - Request of the Chief of Police to accept donation for Mission Station of a 42-inch flat panel Westinghouse LED Television, from Best Buy, 1717 Harrison Street, valued at approximately $500.00

12-02-11P03:55 RCVD

2. **General Public Comment**
   (The public is now welcome to address the Commission regarding items that do not appear on tonight's agenda but that are within the subject matter jurisdiction of the Commission. Speakers shall address their remarks to the Commission as a whole and not to individual Commissioners or Department or OCC personnel. Under Police Commission Rules of Order, during public comment, neither Police or OCC personnel, nor Commissioners are required to respond to questions presented by the public but, may provide a brief response. Individual Commissioners and Police and OCC personnel should refrain, however, from entering into any debates or discussion with speakers during public comment. Please limit your comments to three (3) minutes.)

3. **Reports and Announcements**
   a. Chief's report (DISCUSSION)
      - Review of recent activities
      - Update regarding implementation of DGO 1.08, "Community Policing"
   b. OCC Director's report (DISCUSSION)
      - Review of recent activities
   c. Commission reports (DISCUSSION)
      - Commission President's report
      - Commissioners' reports
   d. Commission announcements and scheduling of items identified for consideration at future Commission meetings (ACTION)

4. Discussion and possible action to sustain or not sustain disciplinary charges filed against Assistant Patrol Special Officer Ernest Tachihara (File Nos. ALW C11-036), and to decide penalty, if necessary (ACTION)

5. Update regarding implementation of DGO 5.20, "Language Access Services for Limited English Proficient (LEP) Persons" (DISCUSSION)

6. Public comment on all matters pertaining to Item 8 below, Closed Session, including public comment on vote whether to hold Item 8 in closed session.

7. Vote on whether to hold Item 8 in Closed Session (ACTION)

The Police Commission

CITY AND COUNTY OF SAN FRANCISCO
SAN FRANCISCO POLICE COMMISSION AGENDA
REGULAR MEETING
WEDNESDAY, DECEMBER 7, 2011
5:30 p.m.

CITY HALL, ROOM 400
#1 Dr. Carlton B. Goodlett Place
San Francisco, California

THOMAS MAZZUCCO
President

DR. JOE MARSHALL
Vice President

PETRA DEJESUS
Commissioner

ANGELA CHAN
Commissioner

CAROL KINGSLEY
Commissioner

R. JAMES SLAUGHTER
Commissioner

L. JULIUS TURMAN
Commissioner

Lieutenant Timothy Falvey
Secretary

8. **Closed Session**
Roll Call;

a. Pursuant to Government Code Section 54957(b)(1) and San Francisco Administrative Code Section 67.10(b) and Penal Code Section 832.7:
PERSONNEL EXCEPTION: Discussion and possible action to issue Police Commission subpoenas in the matter of Case No. JWA C11-194 (ACTION)

b. Pursuant to Government Code Section 54957(b)(1) and San Francisco Administrative Code Section 67.10(b) and Penal Code Section 832.7:
PERSONNEL EXCEPTION: Discussion and possible action to issue Police Commission subpoenas in the matter of Case No. JWA C11-001 (ACTION)

c. Pursuant to Government Code Section 54957 and San Francisco Administrative Code Section 67.10(b) and Penal Code Section 832.7:
PERSONNEL EXCEPTION: Discussion and possible action to accept, reject, or take other action regarding a proposed Stipulated Agreement filed in Case No. ALW C11-189 (ACTION)

d. Pursuant to Government Code Section 54957 and San Francisco Administrative Code Section 67.10(b) and Penal Code Section 832.7:
PERSONNEL EXCEPTION: Discussion and possible action to adopt Findings of Fact and Conclusion of Law filed in Case No. IVF C09-087, decision of July 13, 2011 (ACTION)

e. Pursuant to Government Code Section 54957(b)(1) and San Francisco Administrative Code Section 67.10(b) and Penal Code Section 832.7:
PERSONNEL EXCEPTION: Status and calendaring of pending disciplinary cases (DISCUSSION AND POSSIBLE ACTION)

(OPEN SESSION) Roll Call.

9. Vote to elect whether to disclose any or all discussion on Item 8 held in closed session (San Francisco Administrative Code Section 67.12(a)) (ACTION)

10. **Adjournment** (ACTION ITEM)

** SUPPORTING DOCUMENTATION FOR POLICE COMMISSION AGENDA ITEMS THAT ARE NOT CONFIDENTIAL AND DOCUMENTATION THAT HAVE BEEN DISTRIBUTED TO THE COMMISSION AFTER DISTRIBUTION OF THE AGENDA PACKETS ARE AVAILABLE FOR REVIEW AT THE POLICE COMMISSION OFFICE, THOMAS J. CAHILL HALL OF JUSTICE, 850 BRYANT STREET, ROOM 505, SAN FRANCISCO, CA 94103, DURING NORMAL BUSINESS HOURS

The Police Commission

CITY AND COUNTY OF SAN FRANCISCO

THOMAS MAZZUCCO
President

DR. JOE MARSHALL
Vice President

PETRA DEJESUS
Commissioner

ANGELA CHAN
Commissioner

CAROL KINGSLEY
Commissioner

R. JAMES SLAUGHTER
Commissioner

L. JULIUS TURMAN
Commissioner

Lieutenant Timothy Falvey
Secretary

SAN FRANCISCO POLICE COMMISSION AGENDA

REGULAR MEETING

The Commission will hear public comment on all agenda items before or during discussion of the item.

The ringing of and use of cell phones, pagers and similar sound-producing electronic devices are prohibited at this meeting. Please be advised that the Chair may order the removal from the meeting room of any person(s) responsible for the ringing or use of a cell phone, pager, or other similar sound-producing electronic devices.

KNOW YOUR RIGHTS UNDER THE SUNSHINE ORDINANCE

(Chapter 67 of the San Francisco Administrative Code)

Government's duty is to serve the public, reaching its decisions in full view of the public.

Commissions, boards, councils, and other agencies of the City and County exist to conduct the people's business. This ordinance assures that deliberations are conducted before the people and that City operations are open to the people's review.

FOR MORE INFORMATION ON YOUR RIGHTS UNDER THE SUNSHINE ORDINANCE OR TO REPORT VIOLATION OF THE ORDINANCE, CONTACT THE SUNSHINE ORDINANCE TASK FORCE: ADMINISTRATOR, CITY HALL, ROOM 244, #1 DR. CARLTON B. GOODLETT PLACE, SAN FRANCISCO, CA 94102-4689; OFFICE (415) 554-5163. COPIES OF THE SUNSHINE ORDINANCE CAN BE OBTAINED FROM THE CLERK OF THE SUNSHINE TASK FORCE, THE SAN FRANCISCO PUBLIC LIBRARY, AND ON THE CITY'S WEBSITE AT www.ci.sf.ca.us/bdsupvrs/sunshine

Lobbyist Registration and Reporting Requirements
Individuals and entities that influence or attempt to influence local legislative or administrative action may be required by the San Francisco Lobbyist Ordinance [SF Campaign & Government Code §2.100] to register and report lobbying activity. For more information about the Lobbyist Ordinance, please contact the San Francisco Ethics Commission at 30 Ness Avenue, Suite 3900, San Francisco, CA 94102; telephone (415) 581-2300; fax (415) 581-2317; webs site www.sfgov.org/ethics.

SAN FRANCISCO POLICE COMMISSION
PUBLIC MEETING/HEARING ACCESSIBILITY INFORMATION

Communication accessibility services; including sign language interpreters or computer aided real time captioning will be made available upon advance request. Please call the Police Commission Office at 553-1667 (v) or 553-9194 (tty), at least 72 hours prior to a proceeding. Late requests will be honored if possible.

A **sound enhancement system** will be available on request at the proceeding.

Meeting agendas and other print materials will be made available in alternate formats (computer disk, via email, fax, large print) upon advance request at least 72 hours prior to a proceeding. Please call the Police Commission Office at 553-1667 (v) or 553-9194 (tty). Late requests will be honored if possible.

Individuals with severe allergies, environmental illness, multiple chemical sensitivity or related disabilities should call 553-1667 to discuss meeting accessibility. In order to assist the City's efforts to accommodate such people, attendees at public meetings are reminded that other attendees may be sensitive to various chemical based products.

The proceeding will be held at City Hall, Room 400, #1 Dr. Carlton B. Goodlett Place, San Francisco. The closest accessible BART station is the Civic Center Station. For information about MUNI service, please call 311.

Accessible parking are available on Carlton Goodlett Place, Grove Street, and Van Ness Avenue.

Accessible seating for persons with disabilities and wheelchairs will be available.

For information about the meeting, please call 553-1667(v) or 553-9194 (tty).

DECEMBER 7, 2011 REGULAR MEETING

The Police Commission of the City and County of San Francisco met in Room 400, City Hall, #1 Dr. Carlton B. Goodlett Place, San Francisco, at 5:35 p.m.

PRESENT: Commissioners Mazzucco, Marshall, DeJesus, Chan, Kingsley, Turman
ABSENT: Commissioner Slaughter

(Commissianer Kingsley arrived at 5:56 p.m. Commissioner Marshall is excused at 9:25 p.m.)

CONSENT CALENDAR

- **Request of the Chief of Police to accept donation for Mission Station of a 42-inch flat panel Westinghouse LED Television, from Best Buy, 1717 Harrison Street, valued at approximately $500.00**

Motion by Commissioner Marshall, second by Commissioner Chan. Approved 5-0.

RESOLUTION NO. 11-92

APPROVAL OF THE REQUEST OF THE CHIEF OF POLICE TO ACCEPT DONATION FOR MISSION STATION OF A 42-INCH FLAT PANEL WESTINGHOUSE LED TELEVISION, FROM BEST BUY, 1717 HARRISON STREET, VALUED AT APPROXIMATELY $500.00

RESOLVED, that the Police Commission hereby approves the request of the Chief of Police to accept donation for Mission Station of a 42-inch flat panel Westinghouse LED Television, from Best Buy, 1717 Harrison Street, valued at approximately $500.00.

AYES: Commissioners Mazzucco, Marshall, DeJesus, Chan, Turman
ABSENT: Commissioners Kingsley, Slaughter

PUBLIC COMMENT

Darnicia Wright discussed concerns regarding her OCC complaint and showed a picture of a car accident and concerns regarding receiving a $500 ticket for littering.

Ace Washington talked about a task force in regards to the African American Community and discussed concerns about discrimination in San Francisco.

Philip Oye, Occupy SF, discussed the use of force by Officer Reyes and asked for peace from the SFPD.

Michael Goldman, Occupy SF, discussed concerns about being arrested for a vehicle code violation.

Rose discussed concerns regarding being shoved for sitting down and discussed concerns about over reaction by police.

Tom Silhorst thanked the Chief for doing his job and discussed concerns regarding the Patrol Special Program and talked about the SF Weekly Nov. 30th article.

Clyde talked about the raid on Occupy SF and commended the professionalism of the officers.

Unidentified, Occupy SF, talked about set up of barricades and not getting a straight answer.

Carl Keener, Russian Hill resident, supporter of the Occupy movement, hopes that the lines of communication be open.

UPDATE REGARDING IMPLEMENTATION OF DGO 5.20, "LANGUAGE ACCESS SERVICES FOR LIMITED ENGLISH PROFICIENT (LEP) PERSONS"

Taken out of order.

Officer Henry Ha presented the update regarding implementation of DGO 5.20, "Language Access Services for Limited English Proficient (LEP) Persons"

GOVERNMENT DOCUMENTS DEPT
JAN - 9 2012
SAN FRANCISCO PUBLIC LIBRARY

Ms. Samara Marion, OCC Policy Analyst, presented an update in regards to Language Access and talked about the OCC's recommendations in regards to Language Access.

Ms. Beverly Upton, Domestic Violence Consortium, talked about the issues facing domestic violence victims as it relates to language access.

PUBLIC COMMENT

Heidi, Part of Domestic Violence Consortium, discussed inaccuracy of police reports when individuals involved are non English speakers.

Mike discussed concerns regarding the officer's discretion and went on to discuss Occupy SF.

Barbara Groth discussed concerns.

Ernest Tachihara discussed being asked to translate while working as an assistant patrol special and stated that understanding the culture is important in order to communicate.

REPORTS AND ANNOUNCEMENTS

a. Chief's Report

- Review of recent activities

- Update regarding implementation of DGO 1.08, "Community Policing"

Chief Suhr gave a brief crime statistical update and went on to talk about recent activities like Operation Dream and Make-a-Wish events. The Chief also talked about the new CIT class that started this week. The Chief also briefed the Commission in regards to Occupy SF.

The Chief then went on to present the update regarding implementation of DGO 1.08, "Community Policing."

Commissioner Mazzucco thanked the Chief and the officers for their professionalism in dealing with Occupy SF.

b. OCC Director's Report

- Review of recent activities

Director Hicks talked about the Department head meeting held yesterday and talked about budget reduction for the coming years.

c. Commission Reports

- Commission President's Report

- Commissioners' Reports

Commissioner Mazzucco has no report.

d. Commission Announcements, scheduling of items identified for consideration at future Commission meetings

Lt. Falvey announced that the next regular Commission meeting will be on January 4th.

Commissioner Kingsley would like to get preliminary thoughts in regards to the budget from both the OCC and the Department. Commissioner Kingsley would also like to discuss future district meetings for the whole year of 2012.

PUBLIC COMMENT

David Dalh spoke in regards to the Community Policing DGO and how important it is to promote trust between the community and the police.

Tom Silhorst discussed ambiguity in rules regarding patrol specials and went on to talk about commissioners complaining about police brutality in regards to Occupy SF.

DISCUSSION AND POSSIBLE ACTION TO SUSTAIN OR NOT SUSTAIN DISCIPLINARY CHARGES FILED AGAINST ASSISTANT PATROL SPECIAL OFFICER ERNEST TACHIHARA (FILE NO. ALW C11-036), AND TO DECIDE PENALTY, IF NECESSARY

Ms. Ashley Worsham, Attorney at Law, appeared on behalf of the Department.

Assistant Patrol Special Tachihara was present and represented himself.

(Taken in shorthand form by Ms. Anna Greenley, CSR., Roomian & Associates)

PUBLIC COMMENT

Tom Silhorst stated that all Patrol Specials violate the rules and all patrol specials should be punished.

PUBLIC COMMENT ON ALL MATTERS PERTAINING TO CLOSED SESSION

None

VOTE ON WHETHER TO HOLD CLOSED SESSION

Motion by Commissioner Marshall, second by Commissioner DeJesus Approved 6-0.

CLOSED SESSION (8:18 p.m. – 9:13 p.m.)

PERSONNEL EXCEPTION: Discussion and possible action to issue Police Commission subpoenas in the matter of Case No. JWA C11-194
(PRESENT: Commissioners Mazzucco, Marshall, DeJesus, Chan, Kingsley, Turman, Chief Suhr, Commander Tomioka, Director Hicks, Deputy City Attorney Blits, Lieutenant Falvey, Risa Tom, Attorney Alden, Attorney Stiglich, Attorney Fortes, Mr. Johnson)

Motion by Commissioner DeJesus, second by Commissioner Kingsley. Approved 6-0.

PERSONNEL EXCEPTION: Discussion and possible action to issue Police Commission subpoenas in the matter of Case No. JWA C11-001
(PRESENT: Commissioners Mazzucco, Marshall, DeJesus, Chan, Kingsley, Turman, Lieutenant Falvey, Risa Tom, Chief Suhr, Commander Tomioka Director Hicks, Deputy City Attorney Blits, Attorney Alden, Attorney Stiglich, Attorney Fortes, Mr. Johnson)

Motion by Commissioner DeJesus, second by Commissioner Kingsley. Approved 6-0.

PERSONNEL EXCEPTION: Discussion and possible action to accept, reject, or take other action regarding a proposed Stipulated Agreement filed in Case No. RMF C11-189
(PRESENT: Commissioners Mazzucco, Marshall, DeJesus, Chan, Kingsley, Turman, Lieutenant Falvey, Risa Tom, Chief Suhr, Commander Tomioka, Director Hicks, Deputy City Attorney Blits, Attorney Fortes, Attorney Stiglich, Mr. Johnson, and member involved)

Motion by Commissioner Mazzucco, second by Commissioner DeJesus to accept stipulated agreement. Approved 4-2.

PERSONNEL EXCEPTION: Discussion and possible action to adopt Findings of Fact and Conclusion of Law filed in Case No. IVF C09-087, decision of July 13, 2011
(PRESENT: Commissioners Mazzucco, Marshall, DeJesus, Chan, Kingsley, Turman, Lieutenant Falvey, Risa Tom, Commander Tomioka, Director Hicks, Deputy City Attorney Blits, Attorney Fortes, Attorney Stiglich)

Taken out of order and put over to January 11, 2012.

PERSONNEL EXCEPTION: Status and calendaring of pending disciplinary cases
(PRESENT: Commissioners Mazzucco, Marshall, Chan, Kingsley, , Turman, Lieutenant Falvey, Risa Tom, Chief Suhr, Commander Tomioka, Deputy City Attorney Porter)

No discussion

VOTE TO ELECT WHETHER TO DISCLOSE ANY OR ALL DISCUSSION HELD IN CLOSED SESSION

Motion by Commissioner Kingsley, second by Commissioner Mazzucco for non disclosure. Approved 6-0.

PUBLIC COMMENT
None

DISCUSSION AND POSSIBLE ACTION TO SUSTAIN OR NOT SUSTAIN DISCIPLINARY CHARGES FILED AGAINST ASSISTANT PATROL SPECIAL OFFICER ERNEST TACHIHARA (FILE NO. ALW C11-036), AND TO DECIDE PENALTY, IF NECESSARY

Ms. Ashley Worsham, Attorney at Law, appeared on behalf of the Department.

Assistant Patrol Special Tachihara was present and represented himself.

Settlement reached and will be put over to January 4, 2012.

(Taken in shorthand form by Ms. Anna Greenley, CSR., Roomion & Associates)

PUBLIC COMMENT

Motion by Commissioner Chan to reopen public comment, second by Commissioner DeJesus. Approved 4-1.

Shoshana discussed concerns regarding Occupy SF raid.
Ken Tray discussed concerns regarding Occupy SF raid.
Dottie Guy discussed concerns regarding Occupy SF raid.
Jaron Brown discussed concerns regarding Occupy SF raid.

ADJOURNMENT

Motion by Commissioner Turman, second by Commissioner Kingsley. Approved 5-0

Thereafter, the meeting was adjourned at 9:26 p.m.

_____
Lieutenant Timothy Falvey
Secretary
San Francisco Police Commission

1071/rct

December 14, 2011

SAN FRANCISCO POLICE COMMISSION

SAN FRANCISCO POLICE COMMISSION AGENDA

MEDAL OF VALOR AWARDS CEREMONY

WEDNESDAY, DECEMBER 14, 2011

6:00 p.m.

Mission Bay Conference Center at UCSF
Robertson Auditorium
1675 Owens Street
San Francisco

Thomas Mazzucco
President

Dr. Joe Marshall
Vice President

Petra DeJesus
Commissioner

L. Julius M. Turman
Commissioner

Angela Chan Commissioner

Carol Kingsley
Commissioner

R. James Slaughter Commissioner

Lt. Timothy Falvey
Secretary

City and County of San Francisco ©2000-2013

GOVERNMENT
DOCUMENTS DEPT

DEC 23 2013

SAN FRANCISCO
PUBLIC LIBRARY

The Police Commission

CITY AND COUNTY OF SAN FRANCISCO

THOMAS MAZZUCCO
President

DR. JOE MARSHALL
Vice President

PETRA DEJESUS
Commissioner

ANGELA CHAN
Commissioner

CAROL KINGSLEY
Commissioner

R. JAMES SLAUGHTER
Commissioner

L. JULIUS TURMAN
Commissioner

Lieutenant Timothy Falvey
Secretary

SAN FRANCISCO POLICE COMMISSION AGENDA
NO MEETING NOTICE

The Police Commission will not meet on
Wednesdays, December 21st and 28, 2011.

Please join the Commission at its next meeting on

Wednesday, January 4, 2012
at 5:30 p.m.
City Hall, Room 400
#1 Dr. Carlton B. Goodlett Place
San Francisco

5
1
/21, 28/11
ancelled

12-09-11P01:32 RCVD

GOVERNMENT
DOCUMENTS DEPT

DEC - 9 2011

SAN FRANCISCO
PUBLIC LIB

THOMAS J. CAHILL HALL OF JUSTICE, 850 BRYANT ST., RM. 505, SAN FRANCISCO, CA 94103-4603 (415) 553-1667 FAX (415) 553-1669

Utica/Omaha, Ne
Houchen
Bindery Ltd
2014